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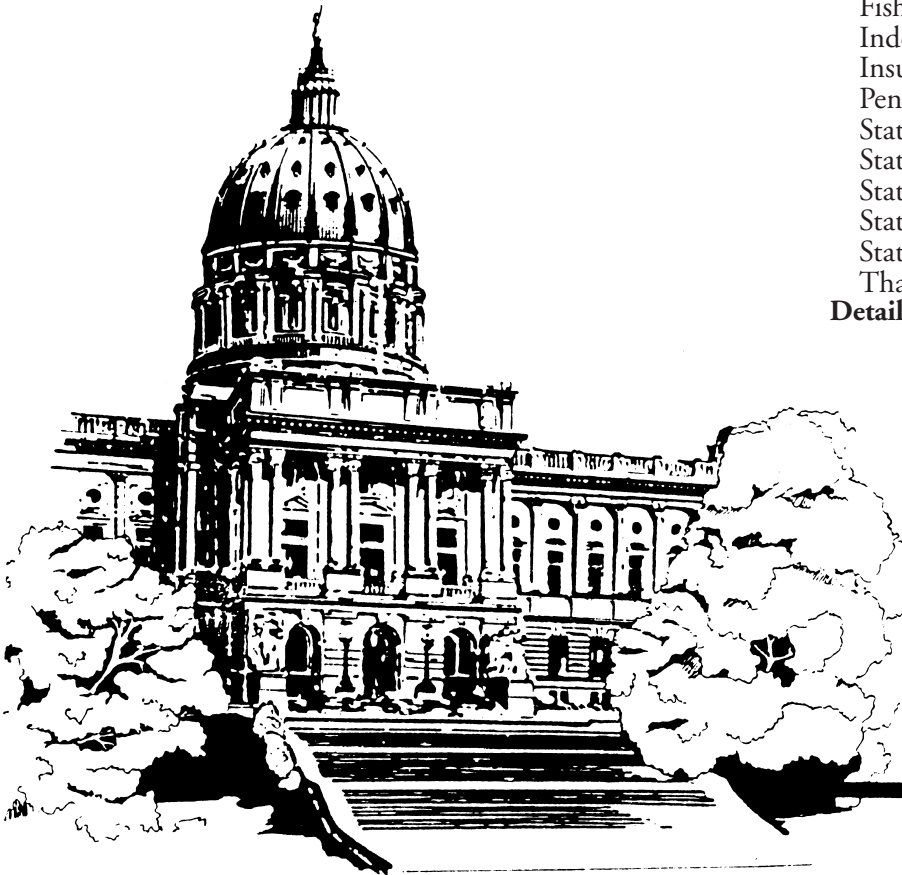
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# PENNSYLVANIA BULLETIN

Volume 39  
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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2009.

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**255 Pa. Code (Local Court Rules)**

Unclassified ...	10, 16, 306, 306, 513, 514, 517, 520, 679, 680, 832, 833, 835, 994, 995, 1107, 1199, 1200, 1386, 1478, 1522, 1523, 1524, 1525, 1526, 1527, 1621, 1857, 1981, 2084, 2200, 2201, 2438, 2439, 2571, 2696, 2699, 2703, 2705, 2929, 2946, 3040, 3041, 3165, 3321, 4096, 4102, 4337, 4419, 4420, 4749, 4889, 5115, 5231, 5548, 5552, 5553, 5723, 5728, 5898, 5908, 6033, 6229, 6230, 6334, 6427, 6655, 6728, 6729, 6756, 6869, 6870, 6941, 6943, 7104
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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1910 ]

#### Order Amending Rule 1910.16-6; Civil Procedural Rules; No. 517

#### Order

*Per Curiam*

*And Now*, this 8th day of December, 2009, upon the recommendation of the Domestic Relations Procedural Rules Committee; the recommendation not having been published for comment pursuant to Pa.R.J.A. No. 103(a)(3) as the proposed amendments are perfunctory in nature.

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Civil Procedure 1910.16-6 is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

PATRICIA NICOLA,  
*Chief Clerk*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Addi- tional Expenses.

Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

\* \* \* \* \*

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

\* \* \* \* \*

(3) Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered, the \$250 threshold shall be pro-rated. Documentation of unreimbursed medical expenses that either party seeks to have allocated between the parties shall be provided to the other party not later than March 31 of the year following the calendar year in which the final bill was received by the party seeking allocation. **For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31.** Allocation of

unreimbursed medical expenses for which documentation is not timely provided **to the other party** shall be within the discretion of the court.

\* \* \* \* \*

[Pa.B. Doc. No. 09-2309. Filed for public inspection December 18, 2009, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

#### Proposed Amendments to Pa.Rs.Crim.P. 550 (Pleas of Guilty Before Magisterial District Judge in Court Cases) and 590 (Pleas and Plea Agree- ments)

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 550 and 590 to provide for more detailed standards regarding the areas of inquiry that are required to be part of all guilty plea colloquies in court cases before the courts of common pleas and magisterial district judges. This Supplemental Report resulted from the Committee's review of the correspondence received after publication of our original explanatory Report that explained the Committee's proposal for guilty plea colloquy procedures in the courts of common pleas only. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Supplemental Report highlights the Committee's considerations in formulating this proposal. Note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rules precedes the Supplemental Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 100  
Mechanicsburg, PA 17055

fax: (717) 795-2106  
e-mail: criminal.rules@pacourts.us

no later than Friday, January 22, 2010.

*By the Criminal Procedural  
Rules Committee*

D. PETER JOHNSON,  
*Chair*

## Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 5. PRETRIAL PROCEDURES IN  
COURT CASES**

**PART D. Proceedings in Court Cases Before Issuing  
Authorities**

**Rule 550. Pleas of Guilty Before Magisterial Dis-  
trict Judge in Court Cases.**

\* \* \* \* \*

(B) The magisterial district judge may refuse to accept a plea of guilty, and the magisterial district judge shall not accept such plea unless there has been a determination, after inquiry of the defendant, that the plea is [ **voluntarily and understandingly** ] **knowingly, intelligently, and voluntarily** tendered.

(C) The plea shall be in writing:

(1) signed by the defendant, with a representation by the defendant that the plea is entered knowingly, [ **voluntarily, and intelligently** ] **intelligently, and voluntarily**; and

\* \* \* \* \*

(D) **Before accepting a plea, the magisterial district judge shall be satisfied of:**

(1) **the defendant's capacity to comprehend and communicate in the proceedings;**

(2) **jurisdiction to accept the plea; and**

(3) **the defendant's eligibility under the law to plead guilty before a magisterial district judge.**

(E) To ensure that the defendant is entering the plea knowingly, intelligently, and voluntarily the following information shall be elicited by the magisterial district judge as part of an oral examination:

(1) **confirmation of the identity of the defendant;**

(2) **the defendant's understanding of the nature and elements of the charges to which he or she is pleading guilty, the permissible range of sentences, including fines, for those charges, the maximum aggregate sentence, and any applicable mandatory sentence;**

(3) **the factual basis for the plea;**

(4) **the defendant's understanding of his or her right to counsel;**

(5) **the defendant's satisfaction with the representation of his or her attorney, if any;**

(6) **the defendant's understanding that he or she has certain rights with regard to the charges, including, but not limited to, the trial of the charges in the court of common pleas; the filing and litigation of pretrial motions; the right to counsel; the right to trial by jury, consisting of twelve jurors of his or her peers that the defendant would assist in selecting; the right to challenge potential jurors; the requirement of a unanimous verdict; that he or she is presumed innocent and can only be found guilty if the prosecution proves guilt beyond a reasonable doubt; and that he or she has the right to testify; to cross-examine the prosecution witnesses, and to call his or her own witnesses;**

(7) **that the defendant is aware that the magisterial district judge is not bound by the terms of any plea agreement tendered unless the magisterial district judge accepts such agreement;**

(8) **that the defendant understands that the plea precludes consideration for ARD or other diversionary programs; and**

(9) **the defendant's understanding that, as provided in paragraph (F), the defendant may within 10 days after sentence, change the plea to not guilty and that in order to change the plea, the defendant, within 10 days after imposition of sentence, must notify the magisterial district judge who accepted the plea of this decision in writing.**

(F) A defendant who enters a plea of guilty under this rule may, within 10 days after sentence, change the plea to not guilty by so notifying the magisterial district judge in writing. In such event, the magisterial district judge shall vacate the plea and judgment of sentence, and the case shall proceed in accordance with Rule 547, as though the defendant had been held for court.

[ (E) ] (G) Ten days after the acceptance of the guilty plea and the imposition of sentence, the magisterial district judge shall certify the judgment, and shall forward the case to the clerk of courts of the judicial district for further proceedings.

**Comment**

\* \* \* \* \*

[ **Before accepting a plea:**

(a) **The magisterial district judge should be satisfied of jurisdiction to accept the plea, and should determine whether any other related offenses exist that might affect jurisdiction.**

(b) **The magisterial district judge should be satisfied that the defendant is eligible under the law to plead guilty before a magisterial district judge, and, when relevant, should check the defendant's prior record and inquire into the amount of damages.**

(c) **The magisterial district judge should advise the defendant of the right to counsel. For purposes of appointment of counsel, these cases should be treated as court cases, and the Rule 122 (Appointment of Counsel) procedures should be followed.**

(d) **The magisterial district judge should advise the defendant that, if the defendant wants to change the plea to not guilty, the defendant, within 10 days after imposition of sentence, must notify the magisterial district judge who accepted the plea of this decision in writing.**

(e) **The magisterial district judge should make a searching inquiry into the voluntariness of the defendant's plea. A colloquy similar to that suggested in Rule 590 should be conducted to determine the voluntariness of the plea. At a minimum, the magisterial district judge should ask questions to elicit the following information:**

(1) **that the defendant understands the nature of the charges pursuant to which the plea is entered;**

(2) **that there is a factual basis for the plea;**

(3) **that the defendant understands that he or she is waiving the right to trial by jury;**

(4) **that the defendant understands that he or she is presumed innocent until found guilty;**



(5) that the defendant is aware of the permissible range of sentences and/or fines for the offenses charged;

(6) that the defendant is aware that the magisterial district judge is not bound by the terms of any plea agreement tendered unless the magisterial district judge accepts such agreement; and

(7) that the defendant understands that the plea precludes consideration for ARD or other diversionary programs.

See Rule 590 and the Comment thereto for further elaboration of the required colloquy. ]

For purposes of appointment of counsel, cases proceeding under this rule shall be treated as court cases, and the Rule 122 (Appointment of Counsel) procedures will be followed.

New paragraphs (D) and (E) were added in 2010 to provide detail regarding the manner in which the magisterial district judge must conduct the inquiry into the entry of the plea. See also *Commonwealth v. Minor*, 467 Pa. 230, 356 A.2d 346 (1976), overruled on other grounds in *Commonwealth v. Minarik*, 493 Pa. 573, 427 A.2d 623, 627 (1981); *Commonwealth v. Ingram*, 455 Pa. 198, 316 A.2d 77 (1974); *Commonwealth v. Martin*, 445 Pa. 49, 282 A.2d 241 (1971).

As provided in paragraph (D)(2) before accepting a plea, the magisterial district judge must be satisfied of jurisdiction to accept the plea. This includes determining whether any other related offenses exist that might affect jurisdiction.

Similarly, the magisterial district judge must be satisfied of the defendant's eligibility under the law to plead guilty before a magisterial district judge. When relevant, the magisterial district judge must check the defendant's prior record and inquire into the amount of damages.

While the rule continues to require a written plea incorporating the contents specified in paragraph (C), the form of plea was deleted in 1985 because it is no longer necessary to control the specific form of written plea by rule.

Paragraph (C) does not preclude verbatim transcription of the colloquy and plea.

The requirements of the content of the colloquy as provided in paragraph (E) are based on the colloquy requirements in Rule 590 and the Comment thereto. Rule 590 requires the colloquy to be conducted "on the record." However, the requirement to conduct an oral colloquy in paragraph (E) does not require a verbatim transcription. Because a magisterial district judge is not a court of record, the requirement that an oral colloquy be conducted on the record may be satisfied by a certification in writing by the magisterial district judge that the oral colloquy has been performed in accordance with the requirements of this rule.

While paragraph (E)(6) requires that the defendant be advised of all trial rights, especially those associated with a trial by jury, it should be noted that a defendant does not have the right to a jury trial in certain ungraded misdemeanor charges. In these cases, the oral colloquy would not include the information concerning the various rights associated with jury trials.

At the time of sentencing, or at any time within the 10-day period before transmitting the case to the clerk of courts pursuant to paragraph [ (E) ] (F), the magisterial district judge may accept payment of, or may establish a payment schedule for, installment payments of restitution, fines, and costs.

\* \* \* \* \*

**Official Note:** Rule 149 adopted June 30, 1977, effective September 1, 1977; Comment revised January 28, 1983, effective July 1, 1983; amended November 9, 1984, effective January 2, 1985; amended August 22, 1997, effective January 1, 1998; renumbered Rule 550 and amended March 1, 2000, effective April 1, 2001; amended December 9, 2005, effective February 1, 2006; amended , 2010, effective , 2010.

*Committee Explanatory Reports:*

Final Report explaining the August 22, 1997 amendments, that clarify the procedures following a district justice's acceptance of a guilty plea and imposition of sentence in a court case published with the Court's order at 27 Pa.B. 4549, 4553 (September 6, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477, 1478 (March 18, 2000).

Final Report explaining the December 9, 2005 changes to the rule clarifying the magisterial district judges' exercise of jurisdiction published with the Court's Order at 35 Pa.B. 6894, 6869 (December 24, 2005).

Supplemental Report explaining the proposed amendments to the rule regarding the requirements of the guilty plea colloquy published with the Court's Order at 39 Pa.B. 7097, 7102 (December 19, 2009).

## PART G. Plea Procedures

### Rule 590. Pleas and Plea Agreements.

#### (A) GENERALLY.

\* \* \* \* \*

#### (3) Guilty Pleas.

(a) The judge may refuse to accept a plea of guilty or nolo contendere, and shall not accept it unless the judge determines after [ inquiry ] examination of the defendant conducted in accordance with paragraphs (A)(3)(b) through (A)(3)(d) that the plea is [ voluntarily and understandingly ] knowingly, intelligently, and voluntarily tendered. [ Such inquiry shall appear on the record. ] The judge may permit the attorney for the Commonwealth or defendant's attorney to conduct the examination of the defendant pursuant to paragraph (A)(3)(c). The judge shall be present during this examination.

(b) To ensure that the defendant is entering the plea knowingly, intelligently, and voluntarily the following information shall be elicited as part of the oral examination on the record:

(i) confirmation of the identity of the defendant;

(ii) the defendant's capacity to comprehend and communicate in the proceedings;

(iii) the defendant's understanding of the charges to which he or she is pleading guilty or nolo contendere, the maximum aggregate sentence, including fines, for those charges and any applicable mandatory sentence;

- (iv) the factual basis for the plea;
- (v) the defendant's satisfaction with the representation of his or her attorney; and
- (vi) if the defendant is pleading guilty to murder generally, the defendant's understanding that the Commonwealth has the right to have a jury decide the degree of guilt when the defendant enters a plea of guilty to murder generally.

(c) In addition to the information required to be elicited under paragraph (A)(3)(d), the following information shall be elicited, either orally or in writing, on the record:

(i) the defendant's understanding that he or she has certain rights with regard to the charges, including but not limited to the filing and litigation of pretrial motions; the right to challenge potential jurors; the requirement of a unanimous verdict; that he or she is presumed innocent and can only be found guilty if the prosecution proves guilt beyond a reasonable doubt; and that he or she has the right to testify, to cross-examine the prosecution witnesses, and to call his or her own witnesses;

(ii) the defendant's counsel has explained to the defendant the nature and the elements of the charges to which he or she is pleading guilty or nolo contendere and that the defendant understands these charges; and

(iii) the defendant's understanding that, if the judge accepts the plea and finds the defendant guilty, the defendant's grounds to appeal are limited to the legality of the sentence, the voluntariness of the plea, and the jurisdiction of the court.

(d) Counsel for the defendant shall certify on the record, either orally or in writing, that he or she has had the opportunity to discuss the case with the defendant, and that the defendant has been advised of his or her rights.

#### (B) PLEA AGREEMENTS.

\* \* \* \*

(2) The judge shall conduct a separate inquiry of the defendant on the record to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea or plea of nolo contendere is based, **and that the defendant understands that the judge is not bound by the terms of the tendered plea agreement unless the judge accepts the plea agreement.**

\* \* \* \*

#### Comment

The purpose of paragraph (A)(2) is to codify the requirement that the judge, on the record, ascertain from the defendant that the guilty plea or plea of nolo contendere is **[ voluntarily and understandingly ] knowingly, intelligently, and voluntarily** tendered. On the mandatory nature of this practice, see *Commonwealth v. Ingram*, 455 Pa. 198, 316 A.2d 77 (1974); *Commonwealth v. Campbell*, 451 Pa. 465, 304 A.2d 121 (1973); *Commonwealth v. Jackson*, 450 Pa. 417, 299 A.2d 209 (1973).

Paragraph (A)(3) was added in 2010 to provide further instructions to judges accepting pleas of guilty or nolo contendere. Under *Commonwealth v. Willis*, 471 Pa. 50, 369 A.2d 1189 (1977), and *Commonwealth v. Dilbeck*, 466 Pa. 543, 353 A.2d 824 (1976), judges are required to make inquiry on the record

into six areas, at a minimum, to ensure that a defendant is entering the plea knowingly, intelligently, and voluntarily. Paragraphs (A)(3)(c) and (d) elaborate on these areas of inquiry. Paragraph (A)(3)(a) provides that the judge may permit counsel to orally examine the defendant as part of the oral portion of the inquiry but the judge must be present during this examination.

Paragraph (A)(3)(b) recognizes that certain elements of the colloquy are so critical to assuring the judge that the defendant understands the plea and that the colloquy is in compliance with this rule that the inquiry must be performed orally on the record.

Paragraph (A)(3)(c) requires two additional areas of inquiry. Nothing in the rule would preclude the use of a written colloquy for inquiry into these areas that is read, completed, signed by the defendant, and made part of the record of the plea proceedings. Similarly, areas of inquiry not listed in the rule but that the court deems necessary for the acceptance of the plea may be addressed in a written colloquy. The written colloquy may have to be supplemented by some on-the-record oral examination. Its use would not, of course, change any other requirements of law, including these rules, regarding the prerequisites of a valid guilty plea or plea of nolo contendere.

While paragraph (A)(3)(c) requires that the defendant be advised of all trial rights, especially those associated with a trial by jury, it should be noted that a defendant does not have the right to a jury trial in certain ungraded misdemeanor charges. In these cases, the defendant would not be advised of the various rights associated with jury trials.

Some areas of inquiry that require oral inquiry need not necessarily be performed as a direct examination of the defendant. For example, the factual basis of the plea and the nature of the charges are case-specific and therefore an oral inquiry must be conducted into the specific facts of the case. This may be accomplished by the defendant confirming on the record a recitation of the facts by the attorney for the Commonwealth or defense counsel. In such a situation, however, the judge must be assured that the defendant fully understands and agrees with such a recitation.

Paragraph (A)(3)(d) requires that, in addition to the colloquy conducted of the defendant, counsel for the defendant also must certify on the record that the defendant has been fully advised of the nature of his or her plea.

The court may inquire of counsel for the defendant if he or she knows of any reason why the defendant cannot knowingly, intelligently, and voluntarily give up his or her rights and plead guilty or nolo contendere.

Similarly, paragraph (B)(1) requires that counsel for the defendant and for the Commonwealth state on the record the terms of any plea agreement. Under paragraph (B)(2), the defendant's understanding and acceptance of the terms of the agreement also must be elicited as a separate inquiry on the record. See *Commonwealth v. Porreca*, 528 Pa. 46, 595 A.2d 23 (1991). This inquiry should include discussion of whether the court is bound by the agreement, the ability to withdraw the plea if it is



not accepted, and that no coercion or other promises outside of the plea agreement have led to the defendant's willingness to enter a plea.

A judge either shall accept or reject the plea agreement in whole. The judge shall not accept a portion of the plea agreement while rejecting another portion of the plea agreement. See *Commonwealth v. Parsons*, 969 A.2d 1259 (Pa.Super. 2009).

For the procedures for accepting a guilty plea in a court case before a magisterial district judge, see Rule 550.

[ It is difficult to formulate a comprehensive list of questions a judge must ask of a defendant in determining whether the judge should accept the plea of guilty or a plea of nolo contendere. Court decisions may add areas to be encompassed in determining whether the defendant understands the full impact and consequences of the plea, but is nevertheless willing to enter that plea. At a minimum the judge should ask questions to elicit the following information:

(1) Does the defendant understand the nature of the charges to which he or she is pleading guilty or nolo contendere?

(2) Is there a factual basis for the plea?

(3) Does the defendant understand that he or she has the right to trial by jury?

(4) Does the defendant understand that he or she is presumed innocent until found guilty?

(5) Is the defendant aware of the permissible range of sentences and/or fines for the offenses charged?

(6) Is the defendant aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement?

(7) Does the defendant understand that the Commonwealth has a right to have a jury decide the degree of guilt if the defendant pleads guilty to murder generally?

The Court in *Commonwealth v. Willis*, 471 Pa. 50, 369 A.2d 1189 (1977), and *Commonwealth v. Dilbeck*, 466 Pa. 543, 353 A.2d 824 (1976), mandated that, during a guilty plea colloquy, judges must elicit the information set forth in paragraphs (1) through (6) above. In 2008, the Court added paragraph (7) to the list of areas of inquiry. ]

\* \* \* \* \*

It is advisable that the judge conduct the examination of the defendant. However, paragraph (A)(3)(a) [ **does not prevent** ] authorizes the judge to permit defense counsel or the attorney for the Commonwealth [ **from conducting** ] to conduct part or all of the examination of the defendant [ , as permitted by the judge. In addition, nothing in the rule would preclude the use of a written colloquy that is read, completed, signed by the defendant, and made part of the record of the plea proceedings. This written colloquy would have to be supplemented by some on-the-record oral examination. Its use would not, of course, change any other requirements of law, including these rules, regarding the prerequisites of a valid guilty plea or plea of nolo contendere ].

\* \* \* \* \*

[ When a guilty plea, or plea of nolo contendere, includes a plea agreement, the 1995 amendment to paragraph (B)(2) requires that the judge conduct a separate inquiry on the record to determine that the defendant understands and accepts the terms of the plea agreement. See *Commonwealth v. Porreca*, 528 Pa. 46, 595 A.2d 23 (1991).

Former paragraph (B)(3) was deleted in 1995 for two reasons. The first sentence merely reiterated an earlier provision in the rule. See paragraph (A)(3). The second sentence concerning the withdrawal of a guilty plea was deleted to eliminate the confusion being generated when that provision was read in conjunction with Rule 591. As provided in Rule 591, it is a matter of judicial discretion and case law whether to permit or direct a guilty plea or plea of nolo contendere to be withdrawn. See also *Commonwealth v. Porreca*, 528 Pa. 46, 595 A.2d 23 (1991) (the terms of a plea agreement may determine a defendant's right to withdraw a guilty plea). ]

\* \* \* \* \*

**Official Note:** Rule 319(a) adopted June 30, 1964, effective January 1, 1965; amended November 18, 1968, effective February 3, 1969; paragraph (b) adopted and title of rule amended October 3, 1972, effective 30 days hence; specific areas of inquiry in Comment deleted in 1972 amendment, reinstated in revised form March 28, 1973, effective immediately; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; paragraph (c) added and Comment revised May 22, 1978, effective July 1, 1978; Comment revised November 9, 1984, effective January 2, 1985; amended December 22, 1995, effective July 1, 1996; amended July 15, 1999, effective January 1, 2000; renumbered Rule 590 and Comment revised March 1, 2000, effective April 1, 2001; amended September 18, 2008, effective November 1, 2008; amended , 2010, effective , 2010.

*Committee Explanatory Reports:*

Final Report explaining the December 22, 1995 amendments published with the Court's Order at 26 Pa.B. 8, 10 (January 6, 1996).

Final Report explaining the July 15, 1999 changes concerning references to nolo contendere pleas and cross-referencing Rule 320 published with the Court's Order at 29 Pa.B. 4055, 4057 (July 31, 1999).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477, 1478 (March 18, 2000).

Final Report explaining the September 18, 2008 amendments to paragraph (C) concerning juries determining degree of guilt published with the Court's Order at 38 Pa.B. 5425, 5428 (October 4, 2008).

Report explaining the proposed changes to paragraph (A)(3) concerning plea colloquies published at 39 Pa.B. 991 (February 21, 2009); Supplemental Report explaining the proposed amendments concerning plea colloquies published at 39 Pa.B. 7097, 7102 (December 19, 2009).

## SUPPLEMENTAL REPORT

*Proposed Amendments to Pa.Rs.Crim.P. 550 and 590*

## GUILTY PLEA COLLOQUY

The Committee has examined guilty plea colloquy practice arising from appellate cases<sup>1</sup> and other reports that trial judges were not properly conducting guilty plea colloquies by not eliciting all of the information required to ensure that a provident plea had been entered. The Committee believes that this requirement, embodied in six mandatory areas of inquiry enumerated in *Commonwealth v. Willis*, 369 A.2d 1189 (Pa. 1977) and currently contained in the Rule 590 *Comment*, should be strengthened in the rules.

## Proposed Changes to Rule 590

The Committee, recognizing the wide divergence in guilty plea colloquy practice throughout the Commonwealth, developed a proposal in which the six areas of inquiry currently contained in the Rule 590 *Comment* were expanded upon and augmented to provide a more detailed description of the type of inquiry need to ensure that the plea was entered knowingly, intelligently, and voluntarily. The proposal also addressed which elements of inquiry must be performed orally and which could be included in the common practice of written colloquy forms.

In February 2009, the Committee published for comment the proposal to add a list of mandatory elements to the text of Rule 590.<sup>2</sup> The proposal included a new paragraph (3)(b) that would be added to Rule 590 setting forth the five areas of inquiry that must be conducted orally on the record. The items that are required to be elicited orally relate to confirming the defendant's identity, his or her capacity to understand the nature of the proceedings; the nature, elements, and factual basis of the charges; and his or her satisfaction with his or her representation. New paragraph (3)(c) would set forth two broad areas of inquiry that, while mandatory, may be addressed either orally or through a written colloquy form, and on the record. These two areas concern the defendant's understanding of the full panoply of rights that he or she will be giving up if the plea is accepted. One of the elements of the original list of six areas of inquiry—the advice to the defendant that the judge is not bound by the terms of any plea agreement unless the judge accepts the agreement—was included in paragraph (B) that addresses plea agreements. Taken together, this new expanded list contains all of the original six areas of inquiry, augmented to provide more detailed instructions as to the composition of the colloquy. Additionally, the *Comment* language was revised to reflect these changes and emphasize that the main purpose of the colloquy is to assure that the plea is entered providently and provide some detail as to how the colloquy requirements might be applied.

While, the majority of the proposed changes described above were retained and are repeated in this current publication, several changes were made as a result of the publication comments the Committee received.

Several responses expressed concern about the provision in the original proposal that required that an oral examination be conducted into “the nature and elements” of the charges. The comments, which also were echoed by some of the Committee members, questioned whether an extensive oral review of each element of each charge

would be required. The Committee concluded that it is defense counsel's duty to advise the defendant on the details of the charges, and what really is needed in the colloquy is an affirmation that the defendant had been properly advised and understood the charges to which he or she was pleading guilty. The elements would not need to be stated in the oral colloquy or written out in a written colloquy but rather the defendant would confirm that he or she had been advised by his or her counsel and that he or she understood the elements. This process would be further supported by the recitation of the facts done orally on the record at the time of the entry of the plea. Therefore, this language, in paragraph (A)(3)(b)(iii), has been changed to state that the defendant “understands the charges” to which he or she is pleading guilty. Additionally, paragraph (A)(3)(c)(ii) has been modified so that the written colloquy includes a statement that the attorney explained the elements and the defendant understands them.

Another comment suggested that, since sentences may run consecutively, the defendant should be advised of the maximum aggregate sentence. The Committee agreed with this change, and modified paragraph (A)(3)(b)(iii) accordingly.

In addition, concerning the advice to be given the defendant regarding trial rights, the Committee agreed to modify paragraph (A)(3)(c)(i) to provide further clarity. In the phrase “the right to trial by jury, consisting of twelve jurors,” we added “of his or her peers.” We also added “the right to testify” to the list before the right “to call his or her own witnesses.”

In addition to the post publication modifications to the text of Rule 590, the Committee agreed to several revisions to the *Comment*. During the discussions about the defendant's trial rights, the Committee noted that there are cases in which a defendant does not have a right to a jury trial. The members agreed this point should be explained in the *Comment*. Accordingly, a provision has been added to the *Comment* clarifying that “the defendant has a right to jury trial except in certain ungraded misdemeanors when he or she would have bench trial.”

During the time the Committee was working on the guilty plea proposal, the Superior Court decided *Commonwealth v. Parsons*, 969 A.2d 1259 (Pa. Super. 2009). In *Parsons*, the Superior Court made it clear that when a judge accepts or rejects a plea agreement, the judge must accept or reject the entire agreement and may not accept or reject the agreement in part. After reviewing *Parsons*, the Committee agreed that the *Comment* should contain a cross-reference to *Parsons*.

In 2006, the Supreme Court recognized in *Commonwealth v. White*, 589 Pa. 642, 910 A.2d 648(2006), that the Commonwealth has a right to have a jury determine the degree of guilt following a plea of guilty to murder generally. In 2008, the Court approved the revision of the Rule 590 *Comment* that added this point to the list of things about which a judge must inquire during the guilty plea colloquy. As part of the post-publication modification of the text of Rule 590, the Committee moved this provision from the *Comment* and added it as a sixth area of inquiry to the list of mandatory oral inquiry in paragraph (A)(3)(c). This area of inquiry goes to the defendant's understanding that the Commonwealth has the right to have a jury decide the degree of guilt when the defendant enters a plea of guilty to murder generally.

Finally, two paragraphs would be deleted from the Rule 590 *Comment*. The first, referring to conducting a sepa-

<sup>1</sup> See, e.g., Judge Klein's concurring opinion in *Commonwealth v. Fowler*, 893 A.2d 758 (2006).

<sup>2</sup> The original *Report* was published at 39 Pa.B. 991 (February 21, 2009).

rate inquiry on the record regarding the defendant's understanding and acceptance of a plea agreement, was repetitious of language contained in the proposed new *Comment* language. The second, describing changes made to the rule in 1995 to comport with Rule 591, was no longer necessary since the *Comment* cross-references Rule 591.

#### *Proposed Changes to Rule 550*

One comment received during publication raised the question of how the requirements of the Rule 590 oral colloquy can be accomplished by a magisterial district judge (MDJ) when accepting pleas under Rule 550. Specifically, the Rule 550 *Comment* cross-references Rule 590 as the model of how a colloquy should be conducted. However, as proposed, Rule 590 would require a specific oral colloquy to be conducted on the record. How can this be accomplished before an MDJ, when the magisterial district courts are not courts of record?

Initially, the Committee favored removing the Rule 590 requirement that the oral colloquy be conducted "on the record." Instead, the MDJ would still look to Rule 590 as to how the colloquy would be conducted. The oral colloquy would be conducted but, since no record would be produced, the MDJ would be required to certify that he or she had performed the required oral colloquy.

Subsequently, the Committee determined that this would be insufficient because of the differences between a Rule 550 plea and a Rule 590 plea in addition to the fact that MDJ courts are not courts of record, as discussed above. It was noted, for example, that proposed Rule 590(A)(3)(c)(iii) would require a discussion of appellate rights' waiver while Rule 550(D) provides for a ten-day period for the automatic withdrawal that did not seem to be encompassed by the Rule 590 language. In addition, the guilty plea procedures under Rule 550 did not seem as amenable to a division between oral and written colloquy elements as in Rule 590. The Committee ultimately concluded that the best way of making these rules compatible would be to spell out the guilty plea colloquy procedures in Rule 550.

The proposed changes would consist of a list of the elements of inquiry for the colloquy to be added to the text of Rule 550. This list is a combination of the draft Rule 590 language and the suggested list of areas of inquiry in the current version of the Rule 550 *Comment*. In preparing this list, the Committee concluded that some of the items in the list of areas of inquiry in the *Comment* were not really "areas of inquiry" but rather were conclusions to reach after the inquiry. Therefore, a new paragraph (D) would be added to Rule 550 that includes the provision that, before accepting a plea, the MDJ must make certain findings, including whether the defendant has the capacity to comprehend and participate in the proceedings. Additionally, the *Comment* to Rule 550 currently lists several elements, such as jurisdiction, that the magisterial district judge "should be satisfied of..." These elements would also be included in new paragraph (D), although some of the more explanatory portions of these paragraphs, such as the factors to consider when determining if jurisdiction exists, would be retained in the *Comment* rather than added to the text of the rule.

The proposal retains the concept that, after the oral colloquy was conducted, since no record would be produced, the MDJ would be required to certify that he or she has performed the required oral colloquy.

Finally, the Committee noted that various phrases were used inconsistently in Rules 550 and 590 to describe the

defendant's state of mind in order for the plea to be accepted. The Committee favored the phrase "knowingly, intelligently, and voluntarily" as clearer and more comprehensive. This phrase has been used throughout both rules.

[Pa.B. Doc. No. 09-2310. Filed for public inspection December 18, 2009, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Criminal Rules of the Court of Common Pleas; Doc. No. 2 of 2009

#### Order of Court

*And Now*, to-wit, this 23rd day of November, 2009, *It Is Hereby Adjudged, Ordered and Decreed* that the following Rules of the Court of Common Pleas of Allegheny County, Pennsylvania, Criminal Division, adopted by the Board of Judges on November 17, 2009, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Criminal Procedure Rule 114.1	Orders and Court Notices: Method of Service
Criminal Procedure Rule 528.1	Motion for Allowance to Post Real Property as Security
Criminal Procedure Rule 547.1	Issuing Authorities
Criminal Procedure Rule 575.1	Allegheny County Criminal Court

#### *By the Court*

HONORABLE DONNA JO McDANIEL,  
*President Judge*

#### **Rule 114.1. Orders and Court Notices: Method of Service.**

(a) The clerk of courts, the court and the court administrator are all authorized to serve court orders and notices.

(b) The method of service shall be any method consistent with the Pennsylvania Rules of Criminal Procedures.

#### **Rule 528.1. Motion for Allowance to Post Real Property As Security.**

(a) Real Property may only be posted upon motion to the Court of Common Pleas of Allegheny County.

(b) All motions for allowance to post real property pursuant to Pennsylvania Rule of Criminal Procedure 528(D) shall be substantially in the following form:

#### **Rule 547.1. Issuing Authorities Transmitting Documents.**

(a) Issuing authorities transmitting documents pursuant to Pennsylvania Rule of Criminal Procedure 547 shall do so by certified mail or hand delivery.

(b) The issuing authority shall include a listing of all contents including the OTN (Offense Tracking Number) of each matter transmitted.

#### **Rule 575.1. Requirements Governing the Physical Characteristics of Court Papers and All Attachments, Supporting Documents and Exhibits.**

(a) *Filing Requirements*



(1) Every document shall be attached only at the top left corner of the pages with one staple or, if the document is too thick for a staple, then at the top of the pages with a metal fastener (not a binder clip).

(2) Cloth tape or other permanent binding shall not be used.

(3) "Bluebacks" shall not be used.

(b) *Basic Requirements*

(1) Ordinarily, all attachments, supporting documents and exhibits shall be on eight and one-half inches paper at the time of filing with the clerk of courts.

(2) A smaller document shall be reproduced, if possible, on eight and one-half inches by eleven inches paper.

(3) A larger document shall be reduced and reproduced to eight and one-half inches by eleven inches six, provided it will still be legible.

(4) If it is not possible to obtain a legible photocopy of the documents or exhibit because of unique characteristics or inherent limitations, e.g., maps, surveys, computer printouts, data processing cards, colored paper, tape recordings, cassettes, movies, DVDs, CD, etc., the filing party shall present the document or material to the clerk of courts to be dated and time stamped, docketed, and filed. Each such special filing shall be accompanied by one (1) cover sheet.

*Note:* It is recommended that the case number be entered at the top or bottom right corner of every page of every filing because of the possibility that pages of a filing may come apart.

[Pa.B. Doc. No. 09-2311. Filed for public inspection December 18, 2009, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LUZERNE COUNTY

**In Re: Judge Michael T. Toole; Judicial Administration; Doc. No. 336**

#### Order

##### *Per Curiam*

*And Now*, this 3rd day of December 2009, this Court has received notice of an information filed by the United States Attorney for the Middle District of Pennsylvania against Judge Michael T. Toole, a judge of the Court of Common Pleas of Luzerne County, and an agreement by Judge Michael T. Toole to enter a plea of guilty to the offenses described in that information. In view of the compelling and immediate need to protect and preserve the integrity of the Unified Judicial System and the administration of justice for the citizens of Luzerne County, Judge Michael T. Toole is hereby relieved of any and all judicial and administrative responsibilities as a judge of the Court of Common Pleas of Luzerne County and ordered not to take any further administrative or judicial action whatsoever in any case or proceeding now or hereinafter pending until further order of this Court. This action will not result in any diminution in salary or benefits until further order of this Court. This Order is without prejudice to the rights of Judge Michael T. Toole to seek such relief in this Court for the purpose of vacating or modifying this interim Order. Pa. Const. Article V § 10(a); In re: Avellino, 690 A.2d 1138 (Pa. 1997); and see, In re: McFalls, 795 A.2d 367 (Pa. 2002).

PATRICIA NICOLA,  
*Chief Clerk*

[Pa.B. Doc. No. 09-2312. Filed for public inspection December 18, 2009, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF NURSING

[ 49 PA. CODE CH. 21 ]

### Biennial Renewal Fees

The State Board of Nursing (Board) proposes to amend §§ 21.5, 21.147, 21.253 and 21.705 to read as set forth in Annex A. The proposed rulemaking provides for a new biennial renewal fee for licensed practical nurses (LPNs), professional nurses (RNs), certified registered nurse practitioners (CRNPs) and licensed dietitian-nutritionists (LDNs).

#### *Effective Date*

The amendments will become effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

Section 11.2 of the Professional Nursing Law (RN act) (63 P. S. § 221.2) and section 17.5 of the Practical Nurse Law (63 P. S. § 667.5) require the Board to set fees sufficient to meet expenditures.

#### *Background and Purpose*

The Board receives an annual report from the Bureau of Finance and Operations of the Department of State (BFO) regarding its income and expenses. The last increase to biennial renewal fees for nurses occurred November 18, 2000, when the fee for LPNs was increased from \$16 to \$40; the fee for RNs was increased from \$21 to \$45; and the fee for CRNPs was increased from \$26 to \$50. See 30 Pa.B. 5952 (November 18, 2009). The biennial renewal fees for LDNs were established at 36 Pa.B. 2396 (May 20, 2006).

In the fall of 2008, BFO advised the Board that it would be required to raise its biennial renewal fees to meet current and projected expenses. On July 27, 2009, BFO again met with the Board and provided an updated recommendation regarding whether a fee increase would be required for the Board to meet its operating expenses, and what fee would be recommended.

BFO reported that the Board would face an inability to meet its obligations if fees were not increased. BFO advised the Board that it would face a deficit of over \$1 million by Fiscal Year (FY) 2011-2012 if fees are not raised, will face a deficit of over \$3.8 million in FY 2012-2013, a deficit of over \$6.4 million in FY 2013-2014, a deficit of over \$10.3 million in FY 2014-2015, a deficit of over \$14 million in FY 2015-2016, a deficit of over \$19 million in FY 2016-2017 and a deficit of over \$22.6 million in FY 2017-2018. BFO recommended, and the Board adopted, an approximately 45% increase. Pursuant to the increase, the new RN biennial fee will be \$65, the new LPN biennial fee will be \$60, the new CRNP biennial fee will be \$75, and the new LDN biennial fee will be \$65.

#### *Description of Amendments*

The Board proposes an approximately 45% increase in the biennial renewal fees for LPNs, RNs, CRNPs and LDNs. The Board proposes no increase in the biennial renewal fee for CRNP prescriptive authority approval because CRNPs will already be faced with an increase to both the RN and CRNP biennial renewal fees.

#### *Fiscal Impact and Paperwork Requirements.*

The amendments will have a fiscal impact on nurses and licensed dietitian-nutritionists in this Commonwealth in that the amendments increase the biennial licensure renewal fees for these licensees. The amendments will not otherwise have any fiscal impact nor impose additional paperwork on the private sector, the general public and the Commonwealth and its political subdivisions.

#### *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 7, 2009, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days from the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations and objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Ann Steffanic, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference (16A-5136) Biennial Renewal Fees when submitting comments.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,

*Chairperson*

**Fiscal Note:** 16A-5136. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 21. STATE BOARD OF NURSING**

#### **Subchapter A. REGISTERED NURSES**

#### **GENERAL PROVISIONS**

#### **§ 21.5. Fees.**

(a) The following fees are charged by the Board for services provided to licensees:

\* \* \* \* \*

[ Application for approval of new nursing  
program .....\$935 ]  
\* \* \* \* \*

[ Biennial renewal of license .....\$45 ]  
\* \* \* \* \*

[ Request under § 21.134(b) by a provider of a continuing education activity not listed in § 21.134(a) or an individual seeking credit for a continuing education activity not preapproved by the Board for approval of each hour of continuing education for which credit is requested.....\$75 ]

(b) [ In addition to the examination and licensure fee of \$35 prescribed in subsection (a), which is payable directly to the Board, a candidate for the registered nurse licensing examination shall also pay a fee of \$40 to the National Council of the State Boards of Nursing to cover costs associated with the preparation and administration of the registered nurse licensing examination. Effective April 1994, or upon implementation of the computer adaptive examination, the fee paid directly to the National Council of the State Boards of Nursing or its designated agent is \$88. ]

The following fees are charged by the Board to support its operations:

Biennial renewal of license..... \$65

(c) The following fees are charged by the Board for services provided to nursing education programs:

Application for approval of new nursing  
program .....\$935

(d) The following fees related to continuing education are charged by the Board:

Request, under § 21.134(b) (relating to continuing education sources) by a provider of a continuing education activity not listed in § 21.134(a) or an individual seeking credit for a continuing education activity not preapproved by the Board, for approval of each hour of continuing education for which credit is requested..... \$75

(e) In addition to the examination and licensure fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the registered nurse licensing examination shall also pay a fee to the National Council of the State Board of Nursing ([www.ncsbn.org](http://www.ncsbn.org)) to cover costs associated with the preparation and administration of the registered nurse licensing examination.

#### Subchapter B. PRACTICAL NURSES GENERAL PROVISIONS

##### § 21.147. Fees.

(a) The following fees are charged by the Board for services to licensees:

\* \* \* \* \*

[ Application for approval of new nursing  
program .....\$935 ]  
\* \* \* \* \*

[ Biennial renewal of license .....\$40 ]  
\* \* \* \* \*

(b) [ In addition to the examination and licensure fee of \$35 prescribed in subsection (a), which is payable directly to the Board, a candidate for the practical nurse licensing examination shall also pay a fee of \$40 to the National Council of the State Boards of Nursing to cover costs associated with the preparation and administration of the practical nurse licensing examination. Effective April 1994, or upon implementation of the computer adapted examination, the fee paid directly to the National Council of the State Boards of Nursing or its designated agent is \$88. ]

The following fees are charged by the Board to support its operations:

Biennial renewal of license..... \$60

(c) The following fees are charged by the Board for services to nursing education programs:

Application for approval of new nursing  
program .....\$935

(d) In addition to the examination and licensure fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the practical nurse licensing examination shall also pay a fee to the National Council of the State Boards of Nursing ([www.ncsbn.org](http://www.ncsbn.org)) to cover costs associated with the preparation and administration of the practical nurse licensing examination.

#### Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS GENERAL PROVISIONS

##### § 21.253. Fees.

(a) The following fees are charged by the Board for services to licensees:

[ Certification ] CRNP certification ..... \$100  
[ Biennial renewal of certification ..... \$50 ]  
\* \* \* \* \*

[ Biennial renewal of prescriptive authority .. \$25  
Application for approval of new nursing  
program ..... \$735  
Application for approval of CRNP continuing  
education course ..... \$100 ]

(b) The following fees are charged by the Board to support its operations:

Biennial renewal of CRNP certification ..... \$75  
Biennial renewal of prescriptive authority  
approval ..... \$25

(c) The following fees for approval and review of CRNP education programs are charged by the Board:

Application for approval of new nursing  
program ..... \$735

(d) The following fees related to continuing education are charged by the Board:

Application for approval of CRNP continuing  
education course ..... \$100

#### Subchapter G. DIETITIAN-NUTRITIONISTS GENERAL PROVISIONS

##### § 21.705. Fees.

(a) The following fees are charged by the Board for services to licensees:

\*   \*   \*   \*   \*

[ **Renewal fee** ..... **\$45** ]

\*   \*   \*   \*   \*

(b) **The following fees are charged by the Board to support its operations:**

**Biennial renewal of license** ..... **\$65**

(c) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the Registration Examination for Registered Dietitians will also pay an additional examination fee. A candidate may contact the Commission on Dietetic Registration, 216 West Jackson Blvd., Chicago, IL 60606-6995, [ [www.cdrnet.org](http://www.cdrnet.org) ] [www.dcrnet.org](http://www.dcrnet.org) for more information regarding the examination and examination fee.

[(c)](d) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the Certification Board for Nutrition Specialists examination for Certified Nutrition Specialists will also pay an additional examination fee. A candidate may contact the Certification Board for Nutrition Specialists, 300 S. Duncan Avenue, Suite 225, Clearwater, FL 33755, [www.cert-nutrition.org](http://www.cert-nutrition.org) for more information regarding the examination and examination fee.

[Pa.B. Doc. No. 09-2313. Filed for public inspection December 18, 2009, 9:00 a.m.]

## STATE BOARD OF PODIATRY

[ **49 PA. CODE CH. 29** ]  
**Continuing Education**

The State Board of Podiatry (Board) proposes to amend Chapter 29, to read as set forth in Annex A, by amending § 29.61 (relating to requirements for biennial renewal and eligibility to conduct educational conferences) and rescinding § 29.63a (relating to preapproved course provider).

### *Need for Proposed Rulemaking*

Section 9.1 of the Podiatry Practice Act (act) (63 P. S. § 42.9a) requires a podiatrist to complete continuing education hours prescribed by the Board as a condition of biennial renewal of licensure to practice podiatric medicine. Since January 1987, the Board has required podiatrists to complete 30 hours of continuing education during each biennial license period. Given the increasing complexity of modern podiatric medical practice, the Board now considers the 30-hour biennial continuing education requirement inadequate to ensure that podiatrists maintain and increase their skill, knowledge and proficiency as practitioners. Only 16 states currently require podiatrists to biennially complete 30 or fewer hours of continuing education. Moreover, many podiatrists are required to biennially complete well in excess of 30 hours of continuing education to maintain credentials issued by podiatric specialty bodies, to participate in insurance plans, or to practice in hospitals and other health care facilities.

### *Description of Proposed Rulemaking*

#### *§ 29.61. Biennial continuing education requirement*

Section 29.61 sets forth the basic continuing education requirements for podiatrists in this Commonwealth. Sub-

section (a) provides that as a condition of biennial renewal of licensure, a podiatrist shall complete, during the immediately preceding biennial renewal period, 30 hours of continuing education in acceptable courses and programs in podiatry that are offered by approved providers. A maximum of 10 hours may be obtained through courses and programs involving the use of the computer/Internet, magazines or journal articles. Excess continuing education hours may not be carried over to the next biennial renewal period. A licensee is responsible for ensuring that continuing education hours are in compliance with the Board's requirements. Subsection (b) states that Board-approved providers are eligible to conduct continuing education courses and programs. Subsection (c) lists the continuing education information that a licensee must set forth on the biennial renewal application. Subsection (d) requires a licensee to retain documentation of a continuing education course or program for 5 years after its completion and to produce the documentation when demanded by the Board or its agents who conduct the audit of continuing education hours.

The proposed rulemaking would rewrite § 29.61(a) to reflect substantive and editorial changes. The proposed rulemaking would increase the biennial continuing education requirement in § 29.61(a) from 30 hours to 50 hours, effective with the renewal of licensure for the biennial license period that begins January 1, 2011. Consistent with current regulations, at least 30 hours would have to be in podiatry courses and programs approved by the Board or the Council on Podiatric Medical Education (CPME). The CPME, a division of the American Podiatric Medical Association, is currently recognized in § 29.63a as an approving entity for podiatric continuing education. The remaining 20 hours could be either in Board- or CPME-approved podiatry courses and programs or in courses and programs in related medical subjects that are approved by the American Medical Association or the American Osteopathic Association.

A 50-hour biennial continuing education requirement for podiatrists is consistent with the requirements of podiatric licensing boards in other states, particularly those with large populations. Fourteen states—including California, Texas, Michigan and Illinois—require podiatrists to complete 50 hours of continuing education biennially. Virginia and Oklahoma require podiatrists to complete 60 hours of continuing education biennially, while Ohio and New Jersey require podiatrists to complete 100 hours of continuing education biennially. Permitting podiatrists to obtain some of their continuing education hours in related medical subjects, in addition to podiatric subjects, is desirable because the collaborative, interdisciplinary approach to the diagnosis and treatment of medical conditions has fostered a commonality of interests between podiatrists and allopathic and osteopathic physicians. Continuing education in related medical subjects is widely available to podiatrists because allopathic and osteopathic physicians in this Commonwealth are required to complete 100 hours of continuing education biennially.

In December 2008, the Board provided each currently licensed podiatrist in this Commonwealth with written notification of the Board's intention to initiate regulatory action that would increase the continuing education requirement, as described in this proposed rulemaking, effective with the renewal of licensure for the 2011-2012 biennial license period. The same information has been posted on the Board's web site since January 2009.

The proposed rulemaking would retain, with editorial changes, the 10-hour limitation in § 29.61(a) on the



number of continuing education hours that may be obtained by means of the Internet or through the reading of articles in professional journals and magazines. The proposed rulemaking also would retain the provision in § 29.61(a) that prohibits the carrying over of excess continuing education hours from one biennial license period to another. The proposed rulemaking also would retain the provision in § 29.61(a) that places responsibility on a licensee to ensure that continuing education hours have been approved, with the clarification that the licensee should do so before participating in the course or program for which continuing education credit is sought.

The proposed rulemaking would add to § 29.61(a) a provision, currently set forth in § 29.63a, stating that continuing education credit will not be awarded for courses or programs in office management or marketing the practice. Section 9.1 of the act specifically proscribes the awarding of continuing education credit for office management or practice building.

*§ 29.63a. Preapproved continuing education provider and continued education subject matter*

Section 29.63a currently provides that the Board will accept continuing education hours in courses and programs offered or approved by the CPME. Section 29.63a further provides that all courses and programs must fall within the scope of podiatry, and that no continuing education credit will be awarded for office management or marketing the practice.

The proposed rulemaking would rescind § 29.63a as unnecessary because its contents would be adequately treated in the revised § 29.61(a).

*Fiscal Impact*

The proposed rulemaking would require podiatrists to incur costs in meeting the increased biennial continuing education requirement. The costs cannot be quantified because of the large number and type of continuing education courses and programs available; however, the costs are not believed to be substantial or burdensome. As noted previously, many podiatrists already exceed the current 30-hour biennial continuing education requirement.

The proposed rulemaking would cause the Board's administrative staff to incur unspecified costs relating to auditing compliance with the increased biennial continuing education requirement. The current \$395 biennial renewal fee paid by podiatrists would defray the costs, which are not believed to be substantial.

The proposed rulemaking would not have a fiscal impact on the public or on other agencies and political subdivisions of the Commonwealth.

*Paperwork Requirements*

The proposed rulemaking would require podiatrists to retain records relating to their increased biennial continuing education hours and to submit these records to the Board upon audit. The proposed rulemaking would require the Board to revise its biennial renewal application. The proposed rulemaking would not create additional paperwork for the general public or for other agencies and political subdivisions of this Commonwealth.

*Effective Date*

The proposed rulemaking would become effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin* and would apply to the renewal of licensure for the 2011-2012 biennial license period.

*Statutory Authority*

Section 9.1 of the act authorizes the Board to prescribe continuing education requirements, while section 15 of the act (63 P.S. § 42.15) authorizes the Board to adopt the regulations as it deems necessary and proper to carry out its statutory responsibilities.

*Regulatory Review*

On December 9, 2009, as required under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted copies of the proposed rulemaking and a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Senate Standing Committee on Consumer Protection and Professional Licensure and the House Standing Committee on Professional Licensure. A copy of the Regulatory Analysis Form is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days after the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures that permit the Board, the General Assembly and the Governor to review any comments, recommendations or objections prior to publication of final-form rulemaking.

*Public Comment*

The Board invites interested persons to submit written comments, recommendations or objections regarding the proposed rulemaking to Steven Wennberg, Counsel, State Board of Podiatry, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of the proposed rulemaking in the *Pennsylvania Bulletin*.

**Fiscal Note:** 16A-4401. No fiscal impact; (8) recommends adoption.

MARY E. LOFTUS, D.P.M.,  
Chairperson

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 29. STATE BOARD OF PODIATRY  
CONTINING EDUCATION**

**§ 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.**

(a) [As a condition of biennial renewal of a license, a licensee shall have completed 30 clock hours of continuing education during the preceding biennium in acceptable courses and programs in podiatry by approved providers. It is the responsibility of the licensee to ensure that credits used to comply with this continuing education requirement have been approved by the Board. Excess clock hours may not be carried over to the next biennium. A maximum of 10 clock hours of computer/Internet, magazine or journal article courses, which are approved by the Council on Podiatric Medical Education, shall be accepted by the Board.] Effective with the renewal of licensure for the 2011-2012 biennium, a licensee applying for biennial renewal of a license shall have completed 50 clock hours of

continuing education in approved courses and programs during the preceding biennium. At least 30 of the clock hours must be in courses and programs in podiatry that are approved by the Board or the Council on Podiatric Medical Education (CPME). The remaining clock hours must be either in courses and programs in podiatry that are approved by the Board or the CPME or in courses and programs in related medical subjects that are approved by the American Medical Association or the American Osteopathic Association. A maximum of 10 clock hours may be in approved courses and programs that involve the use of the Internet or the reading of professional journals or magazine articles. Continuing education credit will not be awarded for clock hours in office management or marketing the practice. Excess clock hours may not be carried over to the next biennium. A licensee is responsible for ensuring that a particular course or program is approved for continuing education credit prior to participating in the course or program.

\* \* \* \* \*

§ 29.63a. [ Preapproved course provider ] (Reserved).

[ Courses or programs offered or approved by the Council on Podiatric Medical Education will be accepted for continuing education credit. All courses shall fall within the scope of podiatry practice. The Board will not approve courses or programs, or portions thereof, in office management or in marketing the practice. ]

[Pa.B. Doc. No. 09-2314. Filed for public inspection December 18, 2009, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

### [ 49 PA. CODE CH. 35 ] Initial Licensure Fees

The State Real Estate Commission (Commission) proposes to amend § 35.203 (relating to fees) to read as set forth in Annex A.

#### A. Effective Date

The amendment will be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

#### B. Statutory Authority

Sections 404 and 407 of the Real Estate Licensing and Registration Act (RELRA) (63 P. S. §§ 455.404 and 455.407), authorize the Commission to promulgate and adopt regulations to administer and effectuate the purposes of the RELRA.

#### C. Background and Purpose

Currently applicants for licensure complete a paper application and submit it along with the required fee to the Commission. Those who obtain a real estate license in the first year of the renewal cycle pay 100% of the biennial renewal fee in addition to the application and real estate recovery fees while applicants who obtain a real estate license in the second year of the renewal cycle

pay 50% of the renewal fee in addition to the application and real estate recovery fees. This two-tiered fee structure, however, precludes the Commission from participating in on-line initial licensure applications for salesperson classes, currently being used by the State Board of Motor Vehicle Manufacturers, Dealers and Salespersons, as the Bureau's licensure software cannot accommodate a two-tiered fee structure.

#### D. Description of Amendment

This proposal would amend current fees by consolidating the initial licensure fee charged to new applicants from a two-tiered structure to a one-tier structure. Instead of charging applicants in the first year of the licensure period 100% of the biennial renewal fee and applicants who apply in the second year of the licensure period 50% of the biennial renewal fee, the regulation consolidates these fees into one fee, which represents 75% of the biennial renewal fee. Brokers, cemetery brokers, branch offices, rental listing referral agents, broker of records, partners or officers for a partnership, associations and corporations would pay an initial licensure fee of \$94.50 in addition to the application and real estate recovery fees while associate brokers, salespersons, cemetery associate brokers, cemetery salespersons, builder-owner salespersons, time-share salespersons, campground membership salespersons and cemetery companies would pay an initial fee of \$72 in addition to the application and real estate recovery fees.

#### E. Fiscal Impact and Paperwork Requirements

The amendment will not have a fiscal impact or impose additional paperwork requirements on the Commonwealth as initial licensure fees are currently being charged to new applicants. This proposal will have a minimal fiscal impact on the regulated community over the biennial period as the Commission continues to charge an aggregate initial licensure fee of 150% of the biennial renewal fee over the same 2-year period. The proposed amendment will not necessitate any legal, accounting, paperwork or reporting requirements on the regulated community.

#### F. Sunset Date

The Commission reviews the effectiveness of its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

#### G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 7, 2009, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the SCP/PLC and the HPLC. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

#### H. Public Comment

Interested persons are invited to submit comments, recommendations or objections regarding the proposed

amendment to Judith Pachter Schulder, Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, ST-REALESTATE@state.pa.us/estate within 30 days of publication of this proposed rulemaking. Reference No. 16A-5615 (Fees), when submitting comments.

MICHAEL WEISS,  
*Chairperson*

**Fiscal Note:** 16A-5615. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 35. STATE REAL ESTATE COMMISSION**

**Subchapter B. GENERAL PROVISIONS**

**§ 35.203. Fees.**

The following fees are charged by the Commission:

\* \* \* \* \*

Initial standard or reciprocal licensure for broker, cemetery broker, branch office, rental listing referral agent, or broker of record, partner or officer for a partnership, association or corporation[ :

(i) If issued in first half of biennial period.....100% of biennial renewal fee

(ii) If issued in second half of biennial period .... 50% of biennial renewal fee ] ... \$94.50

Initial standard or reciprocal registration for cemetery company or initial standard or reciprocal licensure for associate broker, salesperson, cemetery associate broker, cemetery salesperson, builder-owner salesperson, timeshare salesperson or campground membership salesperson[ :

(i) If issued in first half of biennial period .....100% of biennial renewal fee

(ii) If issued in second half of biennial period ..... 50% of biennial renewal fee ] ..... \$72

\* \* \* \* \*

[Pa.B. Doc. No. 09-2315. Filed for public inspection December 18, 2009, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CH. 3800 ]

#### Prone Restraints in Children's Facilities

##### *Scope*

This statement of policy applies to child residential and day treatment facilities, State youth development centers and youth forestry camps.

##### *Purpose*

The purpose of this statement of policy is to clarify that prone position manual restraints ("prone restraints") are prohibited in child residential and day treatment facilities that are licensed under 55 Pa. Code Chapter 3800 (relating to child residential and day treatment facilities).

##### *Background*

The use of a restraint as an intervention is a growing concern within this Commonwealth, Nationally and internationally. The Department of Public Welfare shares this concern.

Restraints bring the risk of serious injury or death of the child or staff; emotional harm and trauma to the child or staff; and also disrupt the relationships among the child, family members, peers and staff. Prone restraints are particularly dangerous because they can impede or even prevent breathing by placing pressure or weight on the child's respiratory system. According to the Coalition Against Institutionalized Child Abuse, at least 73 children in the United States have died in the last 18 years as a result of being restrained. Most of these deaths resulted from the child being restrained in the prone position. See <http://www.caica.org/RESTRAINTS%20Death%20List.htm>. All program offices will work together to eliminate the use of prone restraints in all facilities that serve children.

##### *Discussion*

Prone restraints are those in which a child is held face down on the floor. This places a child at risk of decreased functional lung volume by putting pressure on the child's chest wall and putting the child in a position that makes it difficult to monitor respiratory status. In normal breathing, chest muscles and the diaphragm, key respiratory muscles, work in concert. During a prone restraint,

the chest has difficulty expanding, and the diaphragm has difficulty descending into the abdomen. This can result in asphyxia, which is the body's diminished ability to intake oxygen and to eliminate carbon dioxide, and it can lead to impairment of vital organs, especially the brain, and result in death.

Because prone restraints apply pressure or weight on a child's respiratory system, they are prohibited under § 3800.211(b) (relating to manual restraints).

##### *Regulation Interpretation*

The regulation interpretation is contained in Annex A.

##### *Effective Date*

This statement of policy is effective June 21, 2010.

##### *Contact Person*

Angie Logan, Office of Policy Development (717) 772-4141.

ESTELLE B. RICHMAN,  
*Secretary*

(*Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by adding § 3800.211a to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-081. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 55. PUBLIC WELFARE**

#### **PART V. CHILDREN, YOUTH AND FAMILIES MANUAL**

#### **Subpart E. RESIDENTIAL AGENCIES, FACILITIES AND SERVICES**

#### **CHAPTER 3800. CHILD RESIDENTIAL AND DAY TREATMENT FACILITIES**

#### **§ 3800.211a. Prone position manual restraint— statement of policy.**

(a) Prone position manual restraint is a restraint during which a child is held face down on the floor.

(b) Prone position manual restraint is prohibited under § 3800.211(b) (relating to manual restraints) because it applies weight or pressure on the child's respiratory system.

[Pa.B. Doc. No. 09-2316. Filed for public inspection December 18, 2009, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 8, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-7-2009	<i>From:</i> Washington Federal Savings Bank Washington Washington County <i>To:</i> Washington Financial Bank Washington Washington County Application for approval to convert from a Federally-chartered stock savings association to a Pennsylvania State-chartered stock savings bank.	Approved

### Branch Applications Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-2-2009	Mid Penn Bank Millersburg Dauphin County	<i>To:</i> 4509 Derry Street Harrisburg Dauphin County  <i>From:</i> 4098 Derry Street Harrisburg Dauphin County	Filed

### Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-27-2009	Northwest Savings Bank Warren Warren County	<i>Into:</i> 370 West Governor Road Hershey Dauphin County  <i>From:</i> 10 West Chocolate Avenue Hershey Dauphin County	Effective

### SAVINGS INSTITUTIONS No activity.

### CREDIT UNIONS Branch Applications De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-2-2009	Freedom Credit Union Warminster Bucks County	1440 Old York Road Abington Montgomery County	Approved

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-2317. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2010

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of January, 2010, is 6 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which

the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.82 to which was added 2.50 percentage points for a total of 6.32 that by law is rounded off to the nearest quarter at 6 1/4%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-2318. Filed for public inspection December 18, 2009, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years, subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209694 (Non-Municipal)	Sherwood Retirement and Personal Care Home R. R. 1 Box 1180 Canton, PA 17724	Bradford County Canton Township	Alba Creek SWP 4C	Y
PA0228281 (Sewage)	Tabernacle of the Living God Tracydale Road Milesburg, PA 16853	Centre County Boggs Township	Unnamed Tributary to Bald Eagle Creek 9-C	Y
PA0009431	Pennsylvania American Water Company White Deer Creek Filter Plant 105 Sodom Road Milton, PA 17847	White Deer Township Union County	White Deer Creek 10C	Y
PA0007854	Pennsylvania American Water Company Milton Filter Plant 105 Sodom Road Milton, PA 17847	Milton Borough Northumberland County	West Branch Susquehanna River 10D	Y
PA0209481 (Sewage)	MGR Properties Management 342 Voyzey Road Philipsburg, PA 16866	Decatur Township Clearfield County	Shimel Run CWF	Y
PA0111929 (Sewage)	Lawrenceville Sewage Treatment Plant P. O. Box 151 Lawrenceville, PA 16929	Lawrenceville Borough Tioga County	Tioga River 4A	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0020052	Eldred Borough Municipal Authority 3 Bennett Street Eldred, PA 16731	Eldred Borough McKean County	Allegheny River 16-C	Y
PAS228302	Industrial Timber and Lumber Company 23925 Commerce Park Beachwood, OH 44122	Hickory Township Forest County	East Hickory Creek (Outfalls 001, 002, 003 and 005) and an unnamed tributary to East Hickory Creek (Outfall 004) 16-F	Y
PA0221244	Salem Tube, Inc. 951 Fourth Street Greenville, PA 16125	Pymatuning Township Mercer County	Dry/intermittent tributary to Big Run 20-A	Y

### II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**PA001882**, Industrial Waste, SIC 3533, **Philadelphia Gas Works**, 800 West Montgomery Avenue, Philadelphia, PA 19122. This facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge noncontact cooling water from the Richmond Plant of PGW in the City of Philadelphia, Philadelphia County. This is an existing discharge to the Delaware River Estuary Zone 3.



The receiving stream, Delaware River—Zone 3, is in the State Water Plan watershed 3H and is classified for: warm water and migratory fishes.

The proposed effluent limits for Outfall 004 are based on monthly average flow of 6.67 MGD:

<i>Parameters</i>	<i>Average Quarterly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	Within the limits of 6.0—9.0	STU at all times
Influent Temperature	Monitor/Report	Monitor/Report
Effluent Temperature		110° F

In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures.
2. Change of Ownership.
3. BAT/ELG Reopening.
4. Thermal Impact.
5. IW Sludge Disposal.
6. PMT.
7. TMDL/WLA Analysis.
8. Lab Certification.

The EPA Waiver is in effect.

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*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**Application No. PA 0082392**, Sewage, **Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033-2453. This facility is located in Londonderry Township, **Dauphin County**.

Description of activity: The application is for issuance of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Swatara Creek, is in Watershed 7-D, and classified for warm water fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Wrightsville Borough Municipal Authority is located on the Susquehanna River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.6 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.63
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

**Chesapeake Bay Requirements**

	<i>Concentration (mg/L)</i>	<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	10,959*
Net Total Phosphorus	XXX	Report	1,461*

\* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports submitted to the Department.

You may make an appointment to review the Department's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

**Application No. PA 0082953**, Industrial Waste, SIC Code 4953, **Boyd E. Diller, Inc.**, 6820 Wertzville Road, Enola, PA 17025-1032. This facility is located in Hampden Township, **Cumberland County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Sears Run, is in Watershed 7-B, and classified for warm water fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake is Steelton Municipal Waterworks located on the Susquehanna River, approximately 17.9 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.010 MGD are:

	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	2.1	4.1	25	50	60
Total	2.2	4.5	27	54	68
Suspended Solids					
Total Phosphorus	0.17	0.33	20	4.0	5.0
NH <sub>3</sub> -N	0.4	0.8	4.9	10	12
Total Arsenic			0.05	0.10	0.125
Total Copper			0.05	0.10	0.125
Total Silver			0.01	0.02	0.025
Total Aluminum			0.275	0.50	0.67
Iron, Dissolved	0.23	0.46	2.8	5.6	7.0
Total Manganese					
(issue date to 1/30/11)			2.0	4.0	5.0
(2/1/11 to expiration)			1.0	2.0	2.5
Total Zinc			0.11	0.20	0.275
a-Terpinol			0.016	0.033	0.04
Benzoic Acid			0.071	0.12	0.178
Phenol			0.015	0.026	0.0375
p-Cresol			0.014	0.025	0.035
Fecal Coliform					
(5/1 to 9/30)			200		
(10/1 to 4/30)			2,000		
Total Residual Chlorine			0.5		1.6
Dissolved Oxygen			5.0 Minimum		
pH (S.U.)			6.0 Minimum		9.0

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

**Application No. PA 0246867**, Sewage, **Plaza Management, Inc. (Riverside Apartments)**, 5609 Pinehurst Way, Mechanicsburg, PA 17050. This facility is located in Reed Township, **Dauphin County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Susquehanna River, is in Watershed 6-C, and classified for warm water fishes, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for United Water Company is located on Susquehanna River, approximately ten miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0018 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Residual Chlorine	0.5	1.63
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PA0233625**, Industrial Waste SIC 5083, **Warner Tractor and Equipment, Inc.**, R. R. 3, Box 460, Troy, PA 16947. This proposed facility is located in Troy Township, **Bradford County**.

Description of Proposed Activity: New NPDES permit for an existing agricultural and construction equipment washing operation.

The receiving stream, Unnamed Tributary to Sugar Creek, is in the State Water Plan watershed 4C and is classified for: Trout Stocking Fishes. The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River and is approximately 157.7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00015 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum mg/l
C-BOD <sub>5</sub>			Monitor		
Dissolved Iron					7
Oil and Grease			15		30
Total Suspended Solids			30		75
pH			6.0 to 9.0 standard units at all times		

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0002976**, Industrial Waste. **Zippo Manufacturing Company**, 33 Barbour Street, Bradford, PA 16701-1973. This existing facility is located in Bradford Township, **McKean County**.

Description of Proposed Activity: renewal of an NPDES Permit for an existing discharge of treated industrial waste, non-contact cooling water and stormwater.

The receiving stream, East Branch Tunungwant Creek, is located in State Water Plan watershed 16-C, and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 101 based on a design flow of 0.045 MGD.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX	XX			
Cadmium	0.005	0.010	0.01	0.02	0.03
Chromium, T	XX	XX	1.71	2.77	4.3
Copper (Interim)	0.202	0.319	0.54	0.85	1.3
Copper (Final)	0.067	0.101	0.18	0.27	0.45
Lead	0.037	0.056	0.10	0.15	0.25
Nickel	XX	XX	2.38	3.98	6.0
Silver	0.010	0.015	0.02	0.04	0.07
Zinc	XX	XX	0.8	1.6	2.0
Cyanide, T	XX	XX	0.65	1.2	1.6
TTO		0.80		2.13	
Total Suspended Solids	XX	XX	31	60	75
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 001 based on a design flow of 0.062 MGD.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX	XX			
Oil and Grease	XX		15		30
Copper	XX	XX	XX	XX	
Lead	XX	XX	XX	XX	
Silver	XX	XX	XX	XX	
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report

In addition, the permit contains the following major special conditions:

- Chemical Additives.
- TTO.
- Stormwater.
- TRE.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

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### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P.S. §§ 691.1—691.1001)

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. 4609408**, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of wastewater pump station.

**WQM Permit No. 1504412**, Sewerage, Amendment, **Oxford Area Sewer Authority**, 401 East Market Street, P. O. Box 380, Oxford, PA 19363. This proposed facility is located in Oxford Borough, **Chester County**.

Description of Action/Activity: Solar powered long distance circulators in the storage lagoon to control algae growth & prevent the effluent freezing in the winter.

**WQM Permit No. 2309201**, Industrial, **FPL Energy Marcus Hook L.P.**, 100 Green Street, Marcus Hook, PA 19601. This proposed facility is located in Marcus Hook Borough, **Delaware County**.

Description of Action/Activity: Installation of a dechlorination system designed to remove chlorine from cooling tower.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 2109409**, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the upgrade of pumping station #19. Upgrade pumps and replace wet well, generator and control panels. Pump Station #19 is located at the intersection of Little Run Road and Fairway Drive.

**WQM Permit No. 3809405**, Sewerage, **Lancaster Family YMCA**, 265 Harrisburg Avenue, Lancaster, PA 17603. This proposed facility is located in Cornwall Borough, **Lebanon County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of an Orenco Advantex Wastewater Treatment Plant, 2,000 gpd expandable in future to 4,000 gpd, for seasonal use.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0275217-A3**, Industrial Waste, **Shenango, Inc.**, 200 Neville Road, Pittsburgh, PA 15225. This existing facility is located in Neville Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment.

**WQM Permit No. 0209410**, Sewerage, **Dan Ireland**, 101 East Crossbow Lane, Slippery Rock, PA 16057. This proposed facility is located in Penn Hills Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment plant.

**WQM Permit No. 2609401**, Sewerage, **Touchstone Center for the Arts**, 1059 Wharton Furnace Road, Farmington, PA 15437. This proposed facility is located in Wharton Township, **Fayette County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant.

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### IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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### V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1509040	Norbertine Fathers, Inc. 220 South Valley Road Paoli, PA 19301	Chester	Willistown Township	Crum Creek (HQ-CWF)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI030609005	Michael McCormick Traditions Development Corporation 7159 Redtop Road Hummelstown, PA 17036-9544	Berks	Sinking Springs Borough	UNT to Cacoosing Creek CWF

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAS10F079R	Dept. of Transportation Engineering District 2-0 1924-30 Daisy Street P. O. Box 342 Clearfield, PA 16830-0342	Centre	Huston, Patton and Worth Townships	Bald Eagle Creek CWF, MF Buffalo Run HQ-CWF
PAI041409014	John Rhodes Centre Medical Sciences, Bldg. II 1300 Market Street P. O. Box 622 Lemoyne, PA 17043	Centre	College Township	Spring Creek HQ-CWF
PAI041409015	Ed Poprick State College Area School District Gray's Woods Elementary 131 West Nittany Avenue State College, PA 16801	Centre	Patton Township	Beaver Branch/Spruce Creek HW-CWF

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI050309002	Allegheny Mineral Corp. P. O. Box 1022 1 Glade Park East Kittanning, PA 16201	Armstrong	West Franklin	Buffalo Creek HQ-TFS

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Crawford County Conservation District: Woodcock Nature Center, 21742 German Road, Meadville, PA 16335, telephone 814-763-5269.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI062009002	Jason Howles 27387 Lyona Road Guys Mills, PA 16327	Crawford	Richmond Township	Woodcock Creek HQ-CWF

## **VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

## **STATE CONSERVATION COMMISSION**

### **NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These



NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Don Cotner Farms 127 Rushtown Road Danville, PA 17821	Northumberland	1,168	1.86	Layers	NA	Amendment

#### PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### SAFE DRINKING WATER

##### Applications Received under the Pennsylvania Safe Drinking Water Act

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

##### Permit No. 3609516, Public Water Supply.

Applicant	<b>Urban Outfitters, Inc.</b>
Municipality	Salisbury Township
County	<b>Lancaster</b>
Responsible Official	Ken McKinney Director of Distribution 755 Brackbill Road Gap, PA 17527
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew II, P. E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401
Application Received:	11/9/2009
Description of Action	This permit application is for lead and copper corrosion control treatment consisting of chemical addition of sodium hydroxide for pH/Alkalinity adjustment.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

##### Application No. 1709505—Construction, Public Water Supply.

Applicant	<b>PA American Water Company</b>
Township or Borough	Wallaceton Borough
County	<b>Clearfield</b>
Responsible Official	David R. Kaufman V.P.—Engineering PA American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Dan D. Goodwin HDR Engineering, Inc. 11 Stanwix Street, Suite 800 Pittsburgh, PA 15222

Application Received December 7, 2009  
 Description of Action Replacement of the Borough's existing 80,000 gallon potable ground water storage tank with a new 138,000 gallon tank.

#### MINOR AMENDMENT

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

#### Application No. 6509507MA, Minor Amendment.

Applicant **Latrobe Municipal Authority**  
 104 Guerrier Road  
 Latrobe, PA 15650

Township or Borough Unity Township

Responsible Official Thomas Gray, Manager  
 Latrobe Municipal Authority  
 104 Guerrier Road  
 Latrobe, PA 15650

Type of Facility Water treatment plant

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 P. O. Box 853  
 Latrobe, PA 15650

Application Received Date December 4, 2009

Description of Action Installation of waterline along Lightcap Road.

#### Biosolids Individual Permits (PABIG and PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator

Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to land apply biosolids subject to certain requirements set forth in the permit.

Persons wishing to comment on the proposed permit are invited to submit a statement to the responsible Department Regional Office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address, and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Management Regional Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, comments received, and other information are on file and may be inspected and arrangements made for copying at the responsible Department Regional Office indicated above the application.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1-800-654-5984.

#### Actions

#### Approvals to Use NPDES and Other General Permits

The following parties have submitted: (1) Notices of Intent (NOIs) for coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of the Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices, and other conditions set forth in the respective general permit. The Department of Environmental Protection has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements, and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department of Environmental Protection has acted on the following requests for coverage under the specified General Permit as follows:

#### List of General Permit Type

PAG-1 General Permit for Discharges From Stripper Oil Well Facilities  
 PAG-2 General Permit for Discharges of Stormwater From Construction Activities  
 PAG-3 General Permit for Discharges of Stormwater From Industrial Activities  
 PAG-4 General Permit for Discharges From Single Residence Sewage Treatment Plant



PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Nonexceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit for Discharges Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-12	NPDES General Permit for CAFO Operations

*General Permit Type—PAG 7*

*Facility Location:*

<i>County &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>
Hagerstown Pellitizer 1030 Frederick Street Hagerstown, MD 21740	PAG-079902	Hagerstown Pellitizer 1030 Frederick Street Hagerstown, MD 21740

*Receiving Stream Body Of Water Or Site Name & Address*

Out-of-state

*Contact Office & Phone #*

BWSFR  
RCSOB  
400 Market Street  
Harrisburg, PA 17105  
(717) 787-8184

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

#### **Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of

the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Kuzmiak Property**, 54 Degrot Road, Palmyra Township, **Wayne County**. Dean Cruciani and Martin Gilgalon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 have submitted a Notice of Intent to Remediate (on behalf of their client, Michael Kuzmiak, 1457 Purdy Turnpike, Hawley, PA 18428), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of minor spills from an unregulated, 275-gallon heating oil aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property will be for residential purposes. A summary of the Notice of Intent to Remediate was published in *The Scranton Times* on October 21, 2009.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Hayes Construction Company**, 1900 Van Reed Road Site, Spring Township, **Berks County**. Liberty Environ-

mental, Inc., 50 North Fifth Street, Fifth Floor, Reading, PA 19601, on behalf of Hayes Construction Company, 2610 Westview Drive, Wyomissing, PA 19610, submitted a Notice of Intent to Remediate site soils impacted by petroleum products from an unregulated underground storage tank. The applicant indicates that the site will be remediated to the Residential Statewide Health Standard. There are no future plans for the site after the vacant building has been removed.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Applications renewed under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit Application No. 101701. Edie Waste, Inc.,** located in Highspire Borough, **Dauphin County.** The Department of Environmental Protection (Department) has reviewed the application for permit for a new Construction/Demolition Transfer Station to determine whether it contains the information, maps, fees, and other documents necessary to be considered administratively complete. Please be advised that the application has been determined to be administratively complete.

Comments concerning the application should be directed to Anthony Rathfon, Program Manager, Southcentral Regional Office. Persons interested in obtaining more information about the general permit application may contact the Southcentral Regional Office, 717-705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

##### **NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (Department) has developed an “integrated” plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the

date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### **PLAN APPROVALS**

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.*

**46-0112E: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) for modification of a reactor process and the re-implementation of two (2) “rocket” (mixing) vessels, at their facility in Skippack Township, **Montgomery County.** This facility is a non-Title V facility. A condenser and thermal oxidizer control emissions of VOC and HAP from the reactor process. The same thermal oxidizer will control emissions of VOC from the two (2) “rocket” (mixing) vessels. Total potential-to-emit (PTE) of VOC for sources reflected in the application is 6.95 tons per year. The PTE of HAP is 4.44 tons per year (just from the reactor). The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**35-322-010A: Alliance Sanitary Landfill** (398 South Keyser Avenue, Taylor, PA 18517) for modification to their existing permit for the three (3) new flares at their facility in Ransom Township and Old Forge Borough, **Lackawanna County.**

**39-309-077: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) for replacement of kiln 2 baghouse at their facility in Whitehall Township, **Lehigh County.**

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.*

**09-0189B: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) for construction of Phase II of an existing stone crushing plant at the Warrington Quarry, in Warrington Township, **Bucks County**. The project will include installation of a secondary and tertiary crushers, associated screens and conveyors. Plan Approval 09-0189A, which authorized a primary crusher, associated screens and conveyors (Phase I), will be modified and incorporated in Plan Approval 09-0189B. Fugitive dust emissions will be controlled by a wet (water spray) dust suppression system. The facility will be subject to the New Source Performance Standard for Nonmetallic Mineral Processing Plants (Subpart OOO). The company will comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.*

**18-00011G: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) for construction and operation of a new process vessel and associated storage tanks at their Croda Mill Hall facility in Bald Eagle Township, **Clinton County**. This facility, following the proposed construction and installation, will remain as a major facility for volatile organic compound (VOC) emissions. The proposed construction and installation is subject to the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. This project will emit up to 3.59 tons VOCs and 0.78 ton of combined hazardous air pollutants (HAPs) in any 12 consecutive month period. The air contaminant emissions from the proposed vessel shall be controlled by a Eurich thermal oxidizer, a water quench and a Eurich packed bed scrubber.

The Department of Environmental Protection's (Department) review of the information provided by Croda indicates that the sources at the facility will comply with all air quality requirements, including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department intends to issue a plan approval for the proposed construction, installation, and operation of the sources and control devices. Additionally, if the Department determines that the proposed sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the Title V operating permit via an administrative amendment under 25 Pa. Code §§ 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements.

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, there shall be

no emission of ethylene oxide and/or propylene oxide from process vessel R-18 associated with the synthesis area—general products.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of volatile organic compounds (VOCs) from process vessel R-18 associated with the synthesis area—general products shall not exceed 2.53 tons in any 12 consecutive month period.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of total combined hazardous air pollutants (HAPs) from process vessel R-18 associated with the synthesis area—general products shall not exceed 0.06 ton in any 12 consecutive month period.

4. The permittee shall keep records of the supporting calculations on a monthly basis for process vessel R-18 associated with the synthesis area—general products and shall verify compliance with the VOC emission limitation in any 12 consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for process vessel R-18 associated with the synthesis area—general products and shall verify compliance with the total combined HAPs emission limitation in any 12 consecutive month period. The records shall be retained for a minimum of five (5) years and shall be made available to the Department upon request.

5. The permittee shall keep records of the identity and quantity of materials processed in process vessel R-18 associated with the synthesis area—general products on a monthly basis. The records shall be retained for a minimum of five (5) years and shall be made available to the Department upon request.

6. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with VOC emission limitation for process vessel R-18 associated with the synthesis area—general products in any 12 consecutive month period. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with total combined HAPs emission limitation for process vessel R-18 associated with the synthesis area—general products in any 12 consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

7. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of volatile organic compounds (VOCs) from process vessel R-18 associated with the synthesis area—methyl chloride shall not exceed 1.06 tons in any 12 consecutive month period.

8. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of total combined hazardous air pollutants (HAPs) from process vessel R-18 associated with the synthesis area—methyl chloride shall not exceed 0.72 ton in any 12 consecutive month period.

9. The permittee shall keep records of the supporting calculations on a monthly basis for process vessel R-18 associated with the synthesis area—methyl chloride and shall verify compliance with the VOC emission limitation in any 12 consecutive month period. The permittee shall keep records of the supporting calculations on a monthly basis for process vessel R-18 associated with the synthesis



area—methyl chloride and shall verify compliance with the total combined HAPs emission limitation in any 12 consecutive month period. The records shall be retained for a minimum of five (5) years and shall be made available to the Department upon request.

10. The permittee shall keep records of the identity and quantity of materials processed in process vessel R-18 associated with the synthesis area—methyl chloride on a monthly basis. The records shall be retained for a minimum of five (5) years and shall be made available to the Department upon request.

11. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with VOC emission limitation for process vessel R-18 associated with the synthesis area—methyl chloride in any 12 consecutive month period. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with total combined HAPs emission limitation for process vessel R-18 associated with the synthesis area—methyl chloride in any 12 consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

12. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, R-18 is a 8,420 gallon capacity vessel (nominally identified as a 7,000 gallon vessel) equipped with a process condenser.

Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the synthesis area—methyl chloride shall be controlled by an air cleaning system consisting of the following whenever any batch chemical processing vessels identified above is being used to manufacture products using methyl chloride as a reactant: a Eurich Incinerator Company thermal oxidizer; a water quench; and a Eurich Incinerator Company packed bed scrubber. No batch chemical processing vessel of the synthesis area—methyl chloride being used to manufacture products using methyl chloride as a reactant shall be vented to the atmosphere other than through the air cleaning system. This condition supersedes Section D, Source ID P103, Condition #013 of Title V operating permit TVOP 18-00011.

13. Within 30 days of selection of R-18 associated with the synthesis area—general products and the synthesis area—methyl chloride, the permittee shall submit to the Department for approval, the manufacturer name and model number with design specifications (including condenser size) of R-18 associated with the synthesis area—general products and the synthesis area—methyl chloride, by submitting the appropriate pages of the plan approval application.

14. All conditions contained in Plan Approval 18-00011F and Title V operating permit TVOP 18-00011 remain in effect unless superseded or amended by conditions contained in this plan approval (18-00011G). If there is a conflict between a condition contained in this plan approval and a condition contained in Plan Approval 18-00011F or Title V operating permit TVOP 18-00011, the permittee shall comply with the condition contained in this plan approval.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williams-

port, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

**14-00002J: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) to construct and operate the mine optimization system as specified below at the Pleasant Gap plant in Spring Township, **Centre County**. The particulate emissions will be controlled by water spray and fabric collectors as specified below. This site is associated with the Lime plant located in Benner Township, Centre County and the Bellefonte plant located in Spring Township, Centre County.

The Department of Environmental Protection's (Department) review of the information provided by Graymont (PA), Inc. indicates that the proposed installation and construction will comply with all air quality requirements, including the requirements of 40 CFR Part 60, Subpart OOO and the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department intends to issue a plan approval for the proposed construction, installation, and operation of the sources and control devices. Additionally, if the Department determines that the proposed sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the Title V operating permit via an administrative amendment under 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements.

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of particulate matter from fabric collector 235-PDC-246 associated with the mine optimization system shall not exceed 0.007 grain per dry standard cubic foot. Compliance with the requirement specified in this streamlined condition assures compliance with the particulate matter limitation of 0.04 gr/dscf as specified in 25 Pa. Code § 123.13 and of 0.022 gr/dscf as specified in 40 CFR 60.672(a)(1).

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined emission of particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), and particulate matter with an aerodynamic diameter of 2.5 microns or less (PM<sub>2.5</sub>) from fabric collector 235-PDC-246 associated with the mine optimization system shall not exceed 4.20 tons in any 12 consecutive month period.

3. Within 120 days of achieving normal production, but no later than 180 days after initial startup, the permittee shall perform testing on the exhaust of fabric collector 235-PDC-246 associated with the mine optimization system to verify compliance with the PM emission limitations. All testing shall be performed while the mine optimization system is operating at its maximum rate of production, using EPA reference test methods approved by the Department.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee



shall install and maintain instrumentation to continuously and accurately measure the pressure differential across fabric collector 235-PDC-246 associated with the mine optimization system and the actual pressure differential shall be displayed on a continuous basis.

5. The permittee shall keep records of the differential pressure across fabric collector 235-PDC-246, at least once per week, when the mine optimization system is in operation. These records shall be retained for a minimum of five years and shall be made available to the Department upon request.

6. The permittee shall keep records of the supporting calculations for PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions on a monthly basis and shall verify compliance with the PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emission limitations for fabric collector 235-PDC-246 associated with the mine optimization system in any 12 consecutive month period. These records shall be retained for a minimum of five (5) years and shall be made available to the Department upon request.

7. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emission limitations for fabric collector 235-PDC-246 associated with the mine optimization system in any 12 consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

8. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the mine optimization system without the simultaneous operation of the fabric collector 235-PDC-246. The particulate matter emissions from the mine optimization system shall be controlled by fabric collector 235-PDC-246.

9. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use 16 weight (ounces per square yard) polyester bags, or equivalent as determined by the Department, in fabric collector 235-PDC-246 associated with the mine optimization system.

10. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a sufficient quantity of spare fabric collector bags for fabric collector 235-PDC-246 associated with the mine optimization system in order to be able to immediately replace any bags requiring replacement due to deterioration.

11. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate conveyor 235-BDC-242 associated with the mine optimization system without the simultaneous operation of fabric collector 12-D-324. The particulate matter emissions from conveyor 235-BDC-242 associated with the mine optimization system shall be controlled by fabric collector 12-D-324.

12. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, The PM emissions from the transfer of materials from conveyor 235-BEC-120 to conveyor 235-BEC-122 and from conveyor 235-BEC-342 to the surge piles associated with the mine optimization system shall be controlled by a water spray dust suppression system.

13. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, all conveyors,

with the exception of the transfer of materials from conveyor 235-BEC-120 to conveyor 235-BEC-122 and from conveyor 235-BEC-342 to the surge piles, associated with the mine optimization system, which are not entirely located inside a building, shall be fully enclosed.

14. The mine optimization system is the mine optimization system, which consists of feed hopper 235-HOP-112, located inside the mine; crusher 235-GCR-114, located inside the mine; conveyor 235-BEC-116, located inside the mine; conveyor 235-BEC-118, located inside the mine; conveyor 235-BEC-120; conveyor 235-BEC-122; screen 235-SCN-232, located inside the screen tower; screen 235-SCN-234, located inside the screen tower; screen 235-SCN-236, located inside the screen tower; screen 235-SCN-238, located inside the screen tower; conveyor 235-BEC-242; conveyor 235-BEC-342; conveyor 305-BEC-374; conveyor 305-BEC-376; conveyor 305-BEC-378; and surge piles. Fabric collector 235-PDC-246 is a MAC model 120TB-BHWT-225 (or equivalent, as approved by the Department) fabric collector, rated at 16,000 SCFM of airflow. Fabric collector 12-D-324 is an existing Aspectair model APP-20P fabric collector.

15. The mine optimization system is subject to 40 CFR Part 60, Subpart OOO. The permittee shall comply with all the applicable requirements specified in 40 CFR 60.670–60.676.

16. All conditions contained in Title V operating permit TVOP 14-00002 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition contained in this plan approval and a condition contained in Title V operating permit TVOP 14-00002, the permittee shall comply with the condition contained in this plan approval.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.*

**PA-30-00055A: Shannopin Materials, LLC** (308 Dents Run Road, Morgantown, WV 26501) to allow the construction of a coal slurry reclamation project and the construction of a coal/limestone barge loading/unloading facility at the Shannopin Dock site in Monongahela Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, notice is hereby given that the Department of Environmental Protection (Department) intends to issue a Plan Approval to allow the construction of a coal slurry reclamation project and the construction of a coal/limestone barge loading/unloading facility at the Shannopin Dock site located in Monongahela Township, Greene County.

Sources at this facility will include excavators, 5 stockpiles, conveyors, transfer points, and end-loaders. Facility shall be limited to 625 tons/hour and a total throughput

of 400,000 tons per 12 month rolling total. Annual emissions from the facility are estimated to be 46 tons of total particulate matter and 14 tons of PM<sub>10</sub>. BAT for this operation consists of dust suppression activities such as the use of water sprays, enclosures, roadway paving, tarping, truck wash and best operating practices. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapters 121–145. The Department believes that the facility will meet these requirements by complying with Plan Approval conditions relating to restrictions, monitoring, recordkeeping, reporting and work practice standards:

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Barbara Hatch, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

**65-00983A: Dominion Transmission, Inc.**, Rock Springs Compressor Station (445 West Main St., Clarksburg, WV 26301) located in Salem Township, **Westmoreland County**. This plan approval is being issued for construction of a new compressor station adjacent to the existing Oakford Compressor Station. Proposed emission sources at this facility will include two compressor engines rated at 2,370 brake horsepower controlled by air-to-fuel ratio controllers and oxidation catalysts, a 690 brake horsepower auxiliary power generating engine controlled by an air-to-fuel ratio controller and an oxidation catalyst, a 2.1 mmbtu/hr space heating boiler and facility volatile organic compound fugitive emissions.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Braun, Chief—Telephone: 215-685-9476.*

**AMS 09157: (NSWCCD-SSES**, 5001 South Broad Street, Philadelphia, PA 19112) for the modification of AMS Plan Approval 03091 in the City of Philadelphia, **Philadelphia County**. The modification includes increase in fuel limit in the Building 824 Test Cell from 166,434 gallons (Permit # 03091) to 250,000 gallons on a rolling 12-months basis. The Test Cell will also be subject nitrogen oxide (NO<sub>x</sub>) emission of 9.14 tons per rolling 12-month (which is an increase of 0.78 ton of NO<sub>x</sub> per year from the previous plan approval). The potential emission increase of the Test Cell also includes 3.40 tons of sulfur dioxide (SO<sub>2</sub>) per rolling 12-month (which is an increase of 1.14 tons of SO<sub>2</sub> per year from the previous plan approval) and 0.19 ton of particulate matter (PM) per rolling 12-month (which is an increase of 0.06 ton of PM per year from the previous plan approval). The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

## OPERATING PERMITS

### Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.*

**67-05032: Harley-Davidson Motor Company Operations, Inc.** (1425 Eden Road, York, PA 17402) for operation of a motorcycle manufacturing facility in Springettsbury Township, **York County**. This action is a renewal of Title V operating permit No. 67-05032 issued in 2005. The facility's major emissions are nitrogen oxides (NO<sub>x</sub>) from the boiler plant and volatile organic compound (VOC) emissions from surface coating. The Title V permit renewal will contain all of the emission limits and work practice standards along with all monitoring, recordkeeping and reporting requirements from the previous permit to ensure the facility complies with the applicable air quality regulations.

### Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter F.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00173: P & R Industries, Inc., d/b/a Arbonite** (3826 Old Easton Road, Doylestown, PA 18901) for a renewal of Administrative Amendment to State Only (Natural Minor) Operating Permit No. 09-00173, which was originally issued on September 8, 2004. The Administrative Amendment incorporates the requirements of Plan Approval No. 09-0173 for the modification of an existing paint spray booth to exhaust to an existing afterburner at the facility. The renewed State Only Operating Permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code § 127.450.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.*

**06-05102: Sunsweet Growers, Inc.** (105 South Buttenwood Street, Fleetwood, PA 19522) for their hot-filled bottle plant in Fleetwood Borough, **Berks County**. This is a renewal of the State-only operating permit issued in 2005 and modified in 2006.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1–1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301–3326); The Clean Streams Law (35 P. S. §§ 691.1–691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51–30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1–1406.21). Mining activity permits issued in response to such applications will also address the applicable permit-

ting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003). The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

### *Coal Applications Received*

**Effluent Limits**—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.



A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**56823123 and NPDES No. PA0608548. Croner, Inc.,** P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 231.0 acres. Receiving stream(s): unnamed tributaries to Buffalo Creek and Swamp Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2009.

*Greensburg District Mining Office: Armbrust Profes-*

*sional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.*

**02090103 and NPDES Permit No. PA0251801. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting 57.4 acres. Receiving stream: unnamed tributary to Peters Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: November 23, 2009.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**54753038R4. Lensco Corporation,** (6500 Tollgate, Zionville, PA 18092), renewal of an existing anthracite surface mine operation for reclamation activities only in Cass Township, **Schuylkill County** affecting 67.2 acres, receiving stream: none. Application received: November 24, 2009.

#### *Noncoal Applications Received*

**Effluent Limits**—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**40A77SM12 and NPDES No. PA024985. PBS Coals, Inc.,** 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, renewal of NPDES Permit, Brothersvalley Township, **Somerset County**. Receiving stream(s): Piney Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2009.

**32040301 and NPDES Permit No. PA0249611, Penn Run Quarry,** 456 Weston Road, Penn Run, PA 15765, renewal of NPDES Permit, Cherryhill and Pine Townships, **Indiana County**. Receiving streams: unnamed tributaries to Yellow Creek to Two Lick Creek to Blacklick Creek classified for the following uses: cold water fishery and trout stocked fishery. The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority Intake on Yellow Creek. NPDES renewal application received: November 30, 2009.

### **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water

Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the



specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**E21-414: Fish and Boat Commission, Charlie McGarrell**, 844 Big Spring Road, Newville, PA 17241, Big Spring Creek Habitat Enhancement, North Newton & West Pennsboro Townships, **Cumberland County**, ACOE Baltimore District

To: (1) construct and maintain 6 riffles, 365.0 feet of rock bank toe protection, 1,050.0 feet of mud sill/log bank toe protection, 37 log structures, 70 habitat rocks/anchor rocks for log deflectors, in Big Spring Creek (CWF); (2) place and maintain 2,095.0 cubic yards of fill in the floodway of Big Spring Creek (CWF); and (3) fill approximately 0.21 acre of wetlands in the floodway/floodplain of Big Spring Creek (CWF). The project location begins approximately 0.1 mile north of the intersection of Springfield Road and Big Spring Road and ends approximately 0.1 mile north of the intersection of T351 and Big Spring Road (Newville, PA Quadrangle From N: 1.51 inches; W: 4.58 inches, Latitude: 40° 7' 60"; Longitude: 77° 24' 28" to N: 2.72 inches; W: 4.43 inches, Latitude: 40° 8' 24"; Longitude: 77° 24' 24") in North Newton and West Pennsboro Townships, Cumberland County. The project purpose is to improve Brook Trout habitat on approximately 2,129 feet of Big Spring Creek. The permittee is required to provide a minimum of 0.21 acre of replacement wetlands on site.

**E36-862: Little Conestoga Creek Stream Restoration**, Derek Reese, President, Little Conestoga Watershed Alliance, P. O. Box 6355, Lancaster, PA 17607, Manor and Lancaster Townships, **Lancaster County**, ACOE Baltimore District.

To restore and stabilize 3,800.0 linear feet of the Little Conestoga Creek (WWF) including the construction and maintenance of seven J-hook rock vanes, six cross rock vanes, one half rock vane, four root wads, four cover logs, a 20-foot herbaceous/forested riparian buffer width along both sides of the creek, and random boulder placements utilizing Fluvial Geomorphology (FGM), in and along the Little Conestoga Creek (WWF) for the purpose of restoring stable channel geometry, stabilizing the streambanks, improve flood storage capacity, and improve fish habitat at a point just north of the intersection of Clover Hill Road and West Ridge Drive within the property of the Conestoga Country Club (Lancaster, PA Quadrangle 4.5-inches North; 15.0 inches West, Latitude: 40° 01' 28.09" N; Longitude: 76° 21' 14.92" W) in Manor and Lancaster Townships and Millersville Borough, Lancaster County.

**E28-360: CHR Corporation**, Attn: Tim Rutter, 2295 Susquehanna Trail, Suite C, York, PA 17404, Rutter's Farm Store #5, Greene Township, **Franklin County**, ACOE Baltimore District.

To fill and maintain 0.05 acre of PEM wetland in the Conococheague Creek (CWF, MF) watershed. The project

is located on the northwest quadrant at the intersection of Lincoln Way East (U.S. Route 0030) and Bronson Road (Scotland, PA Quadrangle N: 5.7 inches; W: 3.0 inches, Latitude: 39° 54' 00"; Longitude: 77° 31' 00") in Greene Township, Franklin County. The purpose of the project is for the commercial construction of Rutter's Farm Store #5.

**E36-864: Villas at Georgetown, Paul Lantz Builders**, Paul Lantz, 1076 Centerville Road, Lancaster, PA 17601, Bart Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain: (1) a 0.5-foot depressed, 20-foot by 3-foot concrete box culvert in an unnamed tributary to Nickel Mines Run (HQ-CWF); (2) three residential units, one sized 50-feet by 35-feet and two sized 45-feet by 25-feet, in the floodway of an unnamed tributary to Nickel Mines Run (HQ-CWF); (3) an 8-inch diameter, DICL water line across an unnamed tributary to Nickel Mines Run (HQ-CWF); and (4) a 24-inch diameter RCP outfall pipe to an unnamed tributary to Nickel Mines Run (HQ-CWF), all for the purpose of a 35-unit residential development located at a point just southwest of the intersection of Old Dam Road and Georgetown Road (Route 896) (Gap, PA Quadrangle 11.0 inches North; 2.7 inches West, Latitude: 39° 56' 13"N; Longitude: 76° 4' 50" W) in Bart Township, Lancaster County.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E14-526. Thomas E. Watson**, 350 Heverly Hill Road, Howard, PA 16841-1923. Moose Run Floodway Fill, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 40° 56' 46.2" N; W: -77° 47' 41.7" W).

To construct and maintain: 1) 226 linear feet of rock and broken concrete slab stream bank protection; 2) a vegetative debris dams free stream bed for a length of 230 linear feet; 3) leaving stream bank cover on the left stream bank, located to the right of the Dollar General store in order to protect a public sewer main and private property. This project proposes to permanently impact 230 linear feet of Moose Run, which is classified as a warm water fishery.

**E18-450. Department of Transportation**, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 2012, Section A03, Bridge Replacement, Wayne Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle Latitude: 40° 09' 07"; Longitude: 77° 18' 01").

The DOT SR 2012, Section A03, Segment 0220, Offset 1148, Bridge Replacement Project is located over Love Run in Wayne Township, Clinton County and will include the replacement of the existing steel I-beam timber and asphalt deck bridge with a single span concrete box culvert. The existing bridge has a width of 31.1 feet measured along the centerline of Love Run, a normal span 11.5 feet between the abutments, and an underclearance of 6.5 feet. The proposed box culvert will have a normal span of 53 feet, has a width of 12 feet measured along the center line of Love Run, and an underclearance of 8.5 feet. The installation of the proposed larger structure will result in a permanent increase of one half of a linear foot of increased span over Love Run. The existing structure is open bottom. Because the box culvert has a

concrete bottom the total permanent stream impact from the structure installation will be 53 feet. There will be 14 feet of concrete end section on the downstream end, and 11.6 feet of concrete end sections on the upstream end. There will also be five feet of rock rip-rap placed on the upstream and downstream end of the box culvert as scour protection. Total stream impacts equal 88.6 linear feet. Traffic will be detoured for the duration of construction. Flow will be maintained during construction by the installation of a diversion dike system and diverted under the temporary runaround. Clean water from Love Run will be diverted around the work area. Love Run is classified as a High Quality-Cold Water Fishes (HQ-CWF). The Pennsylvania Fish and Boat Commission (PFBC) lists Love Run as a stream that supports natural trout reproduction (wild trout), as well as Class A from its headwaters to mouth, but does not list it as an approved trout water (stocking). There are no anticipated environmental impacts on other adjacent land and water resources with this project nor are there any anticipated cumulative environmental impacts. There is one wetland system located within the project area. No impacts to this wetland system are anticipated as a result of this bridge replacement project.

**E49-305. Shamokin Township**, 649 Seven Point Road, Sunbury, PA 17801. Adams Park Sewer Project, in Shamokin Township, **Northumberland County**, ACOE Baltimore District (Shamokin, PA Quadrangle Latitude: 40° 48' 40.1"; Longitude: 76° 34' 58.9").

The applicant proposes to install 666 linear feet of 6 inch schedule 40 PVC sewer pipe to provide flow from all residences to the pump station, two 5 foot man holes, and install one 7 foot diameter pump station in the floodway of Shamokin Creek and 234 linear feet of force main to be hung from an existing bridge crossing over Shamokin Creek (WWF), which will tie in to the existing man hole on the west side of SR 61. This project will serve seven residences and is located 2 miles north on SR 61 from the intersection with SR 225 just north of the City of Shamokin.

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E30-229. Department of Transportation—District 12-0**, 825 N. Gallatin Avenue Extension, Uniontown, PA 15401-2105 To remove existing bridge and construct and

maintain new bridge in Franklin Township, **Greene County**, Pittsburgh ACOE District (Waynesburg, PA Quadrangle N: 4.3 inches; W: 11.4 inches, Latitude: 39° 53' 57"; Longitude: 80° 12' 23"). The applicant proposes to remove the existing 91 ft span, 30 ft wide, and 11 ft underclearance bridge and to construct and maintain a new bridge having a 100 ft span, 40 ft width, and underclearance of 12 ft over Browns Creek (HQ-WWF). The new bridge is located downstream and adjacent to the existing single span bridge. Also to place and maintain 0.05 acre of deminimus fill within a palustrine emergent wetland adjacent to SR 0018 at Latitude: 39° 53' 55"; Longitude: 80° 12' 23".

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Pike Road, Ebensburg, PA 15931-4119.*

**EA5609-002. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office**, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Somerset Township, **Somerset County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,300 linear feet of dangerous highwall. The project will include the backfilling of 0.21 acre of open waterbodies that have developed within the open surface mine pit (Stoystown, PA Quadrangles N: 0.5 inch; W: 14.75 inches and Berlin N: 22 inches; W: 14.75 inches).

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D31-034EA. New Enterprise Stone and Lime Co., Inc.**, P. O. Box C, Tyrone, PA 16686. Warriors Mark Township, **Huntingdon County**, ACOE Baltimore District.

Project proposes to breach and remove Wolf Mill Dam across a tributary to Logan Spring Run (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 250 linear feet of stream channel. The dam is located approximately 250 feet southeast of the intersection of SR 550 and Ridge Road (SR 4025) (Tyrone, PA Quadrangle Latitude: 40° 40' 35" Longitude: -78° 12' 24").

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### **I. NPDES Renewal Permit Actions**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAG2003605016R	Myron Stoltzfus P. O. Box 375 Intercourse, PA 17534	Leacock Township Lancaster County	Watson Run WWF	Y
PAG2003605025R	SOCO Enterprises, Inc. 1330 Charlestown Road Phoenixville, PA 19460	Earl Township Lancaster County	Mill Creek CWF	Y
PA0246964 (CAFO)	Kenneth Martin 1397 Robert Fulton Highway Quarryville, PA 17566	East Drumore Township Lancaster County	7K	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239291	Wintergreen Animal Hospital 9021 Wattsburg Road Erie, PA 16509-6023	Greene Township Erie County	Unnamed tributary to Four Mile Creek 15	Y
PA0102610	Villa Vista Estates 159 Terra Drive Valencia, PA 16059	Middlesex Township Butler County	Unnamed tributary to Glade Run 20-C	Y
PA0104396	VL Greenhouses, LLC 568 Tomato Drive Punxsutawney, PA 15767	Ringgold Township Jefferson County	Caylor Run 17-D	Y

#### **II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0056413**, Sewage, **Lower Salford Township**, P. O. Box 243, Harleysville, PA 19438. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Mainland STP into Skippack Creek in Watershed 3E-Perkiomen.

**NPDES Permit No. PA0050075**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Willistown Township, **Chester County**.



Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Willistown Woods STP into an Unnamed Tributary to Hunters Run in Watershed 3G.

**NPDES Permit No. PA0053015**, Sewage, **A Place in the Country, Inc.**, 1007 Route 313, Perkasio, PA 18944. This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Country Place Restaurant STP into an Unnamed Tributary to Three Mile Run Creek in Watershed 2D—Three Mile Run.

**NPDES Permit No. PA0053180**, Sewage, **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936-9605. This proposed facility is located in Montgomery Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Eureka Wastewater Treatment Plant into Little Neshaminy Creek in Watershed 2F.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**NPDES Permit No. PA0027197**, Sewage, **The Harrisburg Authority**, One Keystone Plaza, Front and Market Streets, Harrisburg, PA 17101. This proposed facility is located in Harrisburg City, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-C.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit No. PA0263524**, Industrial Waste, **City of Bradford, Parks and Recreation**, 24 Kennedy Street, Bradford, PA 16701. This proposed facility is located in City of Bradford, **McKean County**.

Description of Proposed Action/Activity: Issuance of an NPDES permit for a new seasonal discharge from spray pool (bathing place) waste.

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA.*

**WQM Permit No. WQG02230908**, Sewerage, **FC Pennsylvania Stadium, LLC**, 322 A Street, Suite 300, Wilmington, DE 19801-5356. This proposed facility is located in Chester City, **Delaware County**.

Description of Action/Activity: Development of a 18,500 seat soccer stadium facility on an existing 14.17 acre site with private lift station with 8" PVC force main.

**WQM Permit No. 2309410**, Sewerage, **BPG Land Partners VIII, LLC, & FC Pennsylvania Stadium, LLC**, 322 A Street, Suite 300, Wilmington, DE 19428. This proposed facility is located in City of Chester, **Delaware County**.

Description of Action/Activity: Clean up and redevelopment of existing brownfield sites along the Delaware River.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. WQG01360903**, Sewage, **Peifer Brothers**, P. O. Box 550, Elizabethtown, PA 17027. This proposed facility is located in Warwick Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage system to serve their single family residence on a vacant 1.2 acre tract located on the West Side of Skyview Lane.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. WQG018727**, Sewerage, **James L. Reiser**, 9723 PA Route 18, Cranesville, PA 16410. This proposed facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018715**, Sewerage, **Richard Lamperski**, 782 Dick Road, Renfrew, PA 16053-9126. This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

### IV. NPDES Stormwater Discharges from MS4 Permit Actions

### V. NPDES Waiver Stormwater Discharges from MS4 Actions

### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1509028	Mr. Vernon L. Stoltzfus S.T. B.I. 102 Reservoir Road Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF



*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717-705-4707.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032807007	Jeff Robinson Maxon Dixon Trucks & Carriers P. O. Box 250 Greencastle, PA 17225	Franklin	Antrim Township	UNT to Muddy Run HQ-CWF

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

#### General Permit Type—PAG-2

##### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Northampton Township Bucks County	PAG200 0909051	Council Rock School District 30 North Chancellor Street Newtown, PA 18940-2202	Ironworks Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pennsbury, Kennett, East Marlborough Townships Chester County	PAG200 1508036	Department of Transportation 700 Geerdes Boulevard King of Prussia, PA 19406 Co-Applicant: Longwood Gardens P. O. Box 501, Kennett Square, PA 19406	Bennitt Run WWF-MF Tributary Pocopson Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Garden Township Chester County	PAG200 1509036	Kennett Consolidated School District 300 East South Street Kennett Square, PA 19348	Tributary Red Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chadds Ford Township Delaware County	PAG200 2309008	Lewis Hall 243 Hexburn Road Chadds Ford, PA 19317	Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Edgmont Township Delaware County	PAG200 2309016	Neil Loughrey 104 North Woodlawn Avenue Alden, PA 19018	Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Norriton Township Montgomery County	PAG200 4609014	Albert Einstein Healthcare Network 5501 Old York Road Philadelphia, PA 19141	Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG201 5109003	Academy Sports Association P. O. Box 21054 Philadelphia, PA 19114	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Mount Joy Borough Lancaster County	PAG2003609064	Mount Joy Group, LP 120 North Point Boulevard Suite 301 Lancaster, PA 17601	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
York Township York County	PAG2006704074-1	Thomas S. Weaver 750 Wind Rush Drive Dallastown, PA 17313	Barshinger Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Conewago Township Adams County	PAG2000107008-2	Joseph A. Myers 160 Ram Drive Hanover, PA 17331	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Huntington, Reading and Tyrone Townships Adams County	ESCGP-10109802	William Brett Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451-1493	UNT to Conewago Creek-UNT to Mud Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Lower Windsor Township York County	PAG2006709063	Rod A. Bosserman 1811 Idylwyld Road York, PA 17406	Cabin Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Fairview Township York County	PAG2006704081-R	Haubert Homes, Inc. 15 Central Boulevard Camp Hill, PA 17011	UNT to Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Hellam Township York County	PAG2006708042-1	Timothy Pasch 2645 Carnegie Road York, PA 17402-3786	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Hollidaysburg Borough Blair County	PAG2000704029-R	Tim Albright Northland Properties, LLC P. O. Box 993 State College, PA 16804	Beaverdam Branch Juniata River TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877, Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Swatara Township Dauphin County	PAG2002204060-R	Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Spring Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Derry Township Dauphin County	PAG2002209028	Michael Keiser Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Spring Creek East WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Susquehanna Township Dauphin County	PAG2002209033	B2 Partners, Inc. 31 Powell's Ridge Road Halifax, PA 17032	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Kutztown Borough Berks County	PAG2000609036	Kutztown Area School District 50 Trexler Avenue Kutztown, PA 19530	Sacony Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Cumru Township Berks County	PAG2000609044	Andrew Maier Ledge Rock Golf Club 1 Greenbriar Drive Mohnton, PA 19540 and Walter Morgan Uhrig Construction, Inc. 1700 North 5th Street Reading, PA 19601	Angelica Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Exeter Township Berks County	PAG2000609031	Louis Gambone 700 West Germantown Pike East Norriton, PA 19403	UNT to Antietam Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Centre Township Berks County	PAG2000609045	Harold W. and Mildred C. Mohn 2932 Irish Creek Road Mohrsville, PA 19541	UNT to Irish Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext 201
Bethel Township Berks County	PAG2000609037	Jay Gingrich 11 Little Mountain Road Myerstown, PA 17067	Crosskill Creek-Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Amity Township Berks County	PAG2000609020	John Yanan P. O. Box 720 Green Lane, PA 18054	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

East Cocalico  
Township  
Lancaster County

PAG2003609061

WJ Crossroads, LLC  
P. O. Box 305  
Temple, PA 19560

Cocalico Creek  
WWF-MF

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717-299-5361, Ext. 5

Paradise Township  
Lancaster County

PAG2003609067

Allen Shultz  
315 Walnut Run Road  
Willow Street, PA 17584

Eshleman Run  
CWF

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717-299-5361, Ext. 5

Reading City  
Berks County

PAG2000609034

Charles Jones  
City of Reading  
503 North Sixth Street  
Reading, PA 19601

Schuylkill River  
WWF-MF

Berks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
610-372-4657, Ext. 201

Ontelaunee  
Township  
Berks County

PAG2000609023

Pennaco Excavating  
63 South Hampton Drive  
Wyomissing, PA 19610

Schuylkill River  
WWF-MF

Berks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
610-372-4657, Ext. 201

Mechanicsburg  
Borough  
Cumberland County

PAG2002109011

Wayne Bolton  
Greenray Industries, Inc.  
840 West Church Road  
Mechanicsburg, PA 17055

Trindle Spring Run  
CWF

Cumberland County  
Conservation District  
310 Allen Road  
Suite 301  
Carlisle, PA 17013  
717-240-7812

Armstrong County  
Manor Township

PAG2000309008

Sheetz, Inc.  
c/o David Mastrostefano  
817 Brookfield Drive  
Seven Fields, PA 16046

UNT to Garretts Run  
WWF

Armstrong County CD  
724-548-3425

Butler County  
Middlesex Township

PAG2 0010 04  
028R

Linda Starr  
Hickory Knoll Farms  
400 Isle Road  
Butler, PA 16001

UNT Bull Creek  
WWF

Butler County  
Conservation District  
724-284-5270

Jefferson County  
Big Run Borough

PAG2003309002

SR 0119 Section 552  
Department of  
Transportation  
2550 Oakland Avenue  
Indiana, PA 15701

Big Run—CWF

Jefferson County  
Conservation District  
814-849-7463

City of Saint Marys  
Elk County

PAR218322

Dubrook, Inc.  
P. O. Box 388  
Du Bois, PA 15801-0388

Unnamed tributary to  
Elk Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

General Permit Type—PAG-4

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Lancaster County  
Warwick Township

PAG043895

Peifer Brothers  
P. O. Box 550  
Elizabethtown, PA 17027

UNT Cocalico Creek  
WWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707



*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Elk Creek Township PAG049550  
Erie County

James L. Reiser  
9723 PA Route 18  
Cranesville, PA 16410

Unnamed tributary to  
the East Branch of  
Conneaut Creek  
15

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

Connoquenessing  
Township PAG049537  
Butler County

Richard Lamperski  
782 Dick Road  
Renfrew, PA 16053-9126

Unnamed tributary to  
Little Connoquenessing  
Creek  
20-C

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Oscar Manbeck 10 Fort Henry Road Bethel, PA 17507	Berks	688	840.91	Markey Swine	NA	Approved
Nelson Martin Home—1850 Horseshoe Pike Annville, PA 17003 Farm—2224 Horseshoe Pike Annville, PA 17003	Lebanon	314.3	853.73	Swine and dairy	none	approved
Marlin Martin 425 North Market St Myerstown, PA 17067	Lebanon	16.4	467.06	Swine and pullets	None	approved

### PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing

Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 2520035, Operations Permit**, Public Water Supply.

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Dr. Hershey, PA 17033
Borough or Township	Delaware Township
County	<b>Pike</b>
Type of Facility	PWS
Consulting Engineer	Daniel Rickard, P. E. Pennsylvania American Water 100 N. Pennsylvania Avenue Wilkes-Barre, PA 18701
Permit to Operate	11/24/2009

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 3480050, Operations Permit**, Public Water Supply.

Applicant	<b>Easton Suburban Water Authority</b> 3700 Hartley Ave. Easton, PA 18045
Borough or Township	City of Easton
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Dennis W. Silbaugh, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106
Permit to Operate	11/30/09
Issued	

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2209502**, Public Water Supply.

Applicant	<b>Camp Hebron</b>
Municipality	Halifax Township
County	<b>Dauphin</b>
Type of Facility	Installation of sodium hypochlorite disinfection at each of the system's entry points.
Consulting Engineer	Stephen R. Morse, P. E. Skelly and Loy, Inc. 2601 North Front Street Harrisburg, PA 17110-1185
Permit to Construct	11/23/2009
Issued:	

**Permit No. 3809508**, Public Water Supply.

Applicant	<b>Fredericksburg Sewer &amp; Water Authority</b>
Municipality	Bethel Township
County	<b>Lebanon</b>
Type of Facility	Installation of an ortho-polyphosphate blend to sequester manganese in Well No. 6.
Consulting Engineer	Paul Lutzkanin, P. E. Steckbeck Engineering & Surveying, Inc. 279 North Zinns Mill Road Lebanon, PA 17042
	11/16/2009

**Permit No. 6709504 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>United Water Pennsylvania</b>
Municipality	Newberry Township
County	<b>York</b>
Type of Facility	Conley Pump Station Clearwell permit amendment to change from lining to a sealer.
Consulting Engineer	Steven Metzler, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit to Construct	12/8/2009
Issued:	

**Permit No. 3809512 E**, Public Water Supply.

Applicant	<b>Eastern Lebanon County School District</b>
Municipality	Jackson Township
County	<b>Lebanon</b>
Type of Facility	Emergency permit for the installation of a temporary pressure filtration system.
Consulting Engineer	Michael E. Kissinger, P. E. Centerpoint Engineering, Inc. 2 Market Plaza Way Mechanicsburg, PA 17055
Permit to Construct	12/4/2009
Issued:	

**Operations Permit** issued to: **Aqua Pennsylvania**, 3060134, Marion Township, **Berks County** on 11/6/2009

for the operation of facilities approved under Construction Permit No. 0609506 MA.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. M.A. (1499501-T1)—Construction, Public Water Supply.**

Applicant	<b>PA American Water Company</b>
Township or Borough	Boggs Township
County	<b>Centre</b>
Responsible Official	David R. Kaufman VP-Engineering PA American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Joel A. Mitchell, P. E. PA American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued Date	December 4, 2009
Description of Action	Installation of 225 feet of 36-inch diameter chlorine contact time piping adjacent to the water treatment plant.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 3209501MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Central Indiana County Water Authority</b> 30 East Wiley Street Homer City, PA 15748
Borough or Township	Center Township
County	<b>Indiana</b>
Type of Facility	Coral water storage tank and appurtenances
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Permit to Construct Issued	December 7, 2009

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Operations Permit** issued to **South Pymatuning Township**, PWSID No. 6430077, South Pymatuning Township, **Mercer County**, December 3, 2009, for the operation of the booster station, as approved under construction permit 4308501, issued April 15, 2009.

**Operations Permit** issued to **Borough of Sharpville**, PWSID No. 6430055, Sharpville Borough, **Mercer County**, December 3, 2009, for the operation of a consecutive water supply system to Aqua Pennsylvania Shenango Valley, as approved by construction permit 8303W-MA7, issued April 15, 2009.

**Construction/Operations Permit** issued to **Aqua Pennsylvania, Inc.**, PWSID No. 6430055, Sharpville Borough, **Mercer County**, December 3, 2009, for the

operation of an interconnect to supply finished water to Sharpville Borough, as approved by simultaneous issuance of Permit No. 4300503-T1-MA5.

#### **SEWAGE FACILITIES ACT PLAN APPROVAL**

##### **Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

##### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Bethlehem and South Bethlehem Boroughs	Redbank Valley Municipal Authority 243 Broad Street	Clarion
Porter and Mahoning Townships	New Bethlehem, PA 16242	Armstrong

*Plan Description:* The approved plan provides for a two (2) phase approach with Phase 1 being collection and conveyance projects including gravity sewer extensions to portions of Mahoning and Porter Townships, interceptor sewers, new force mains, a new Grant Street pump station and an equalization tank. Phase 2 will expand the existing Redbank Valley Municipal Authority WWP to a design capacity of 0.59 mgd by the addition of a trickling filter, two clarifiers and a third chlorine contact tank. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

##### *Plan Location:* East Vincent Township, Chester County.

On November 25, 2009, the Southeast Regional office approved the Act 537 sewage facilities plan update for East Vincent Township, Chester County.

Approval of the Plan, as revised, is hereby granted. The Plan provides for the following:

1. The plan establishes a public sewer service area, depicted in Exhibit 1-1 of the Plan that will be served by the Southeast Veterans Center Wastewater Treatment Facility. Capacity in the existing plant is allocated to the Soltys-Buckwalter Road Subdivision (includes Eadie Tract), The Soltys-Seven Stars Road Subdivision and The Soltys-Schuylkill Road Subdivision, as referenced on Page 29 of the Plan. Any development beyond the Cutler developments referenced above or individual lots that need public sewer service will need to complete planning to expand the Southeast Veterans Center Wastewater Treatment Facility, as stated in Section 5.1.2 of the Plan.

2. The Township will initiate an on-lot sewage disposal system management program (program). The program will start with a public education component. The Township will also adopt an onlot sewage management ordinance that establishes operation and maintenance guidelines for onlot sewage disposal systems. The program will be enacted according to the time limits referenced in the Plan's implementation schedule found in Table 8-1 of the Plan.

3. The plan provides for the removal of the Brown Drive area, the Schuylkill Road area, the McFarland



Project, the Keen Road Subdivision (Silvi Project), the remaining portions of the Ruth Tract Farm (Vanderbilt Subdivision) and the remaining portions of the Industrial Zoned area along Enterprise Parkway (East Vincent Business Park Phases 1B and 2) from the sewer service areas delineated in the 1998 Act 537 plan update.

The Township will monitor onlot sewage disposal areas on a case by case to determine if public sewerage facilities should be expanded to these areas.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

#### **Categorical Exclusion**

Shippensburg Borough  
111 North Fayette St.  
Shippensburg, PA 17257

The Pennsylvania Infrastructure Investment Authority which administers the Commonwealth's State Revolving Fund is intended to be the funding source for this project. The project is undertaken by the Borough to Filter Replacement and UV System. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

#### **SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

##### **Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

##### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Robeson Township	2689 Main Street Birdsboro, PA 19508	Berks

*Plan Description:* The planning module for the Quaker Ridge V Subdivision, DEP Code No. A3-06954-221-2, consists of 24 residential building lots on a 149.8 acre tract proposing individual on lot sewage disposal systems. The project is located east of the terminus of Quaker Hill and Overlook Roads. The plan revision was denied because the planning module did not contain an assessment of the impact of the on lot sewage disposal systems on Beaver Run, classified as a High Quality special protection water in Chapter 93, as requested in the Department of Environmental Protection's letter dated April 29, 2009. This assessment is required pursuant to Chapter 71, §§ 71.52(a)(3)(v), 71.53(d)(4), 71.21 (a)(5)(i)(E), 71.32 (d)(1), and Chapter 93, §§ 93.4a, 93.4c, and 93.6.

#### **HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

##### **Public Notice of Proposed Consent Order and Agreement Department of Environmental Protection**

##### **Former Avtex Fibers, Inc. Site Vernon Township, Crawford County**

Under Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No.

108, 35 P. S. 35 P. S. § 6020.101—6020.1305 (HSCA), notice is hereby provided that the Department of Environmental Protection (Department) has entered into an Agreement with Vernon Township, Crawford County, Pennsylvania (Vernon) concerning the title transfer of a portion of the Avtex Fibers, Inc. Site (Site) from Alliance Property Holdings, Inc. to Vernon.

In the past, hazardous substances, including at least, PCBs, arsenic, chromium, copper, lead, nickel, acetone, trichloroethylene, toluene, xylene, mercury, zinc, benzo(a)pyrene, methylene chloride, carbon disulfide, 2-butanone, 4-methylphenol, benzoic acid, vinyl acetate, dioxins, beta chlorodane, 1,1,1-trichloroethane, tetrachloro-ethylene, ethyl ether, antimony, benzene, 4-methyl,2-pentanone and phenanthrene were released and contaminated the environment at the Site. Under the terms of the settlement, Vernon agrees to allow the Department access to monitor development activities, as they relate to the integrity of the remedy at the Site. Vernon also agrees to abide by certain operation and use restrictions to maintain the response actions implemented earlier at the Site.

The specific terms of this settlement are set forth in the Consent Order and Agreement (Agreement) with the Department and Vernon. The Department will receive and consider comments relating to the Agreement for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations that indicate that the Agreement is inappropriate, improper, or not in the public interest.

After the public comment period, the Department's settlement with Vernon shall be effective upon the date that the Department notifies Vernon, in writing, that this Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

The Agreement is available for inspection and copying at the Department's Northwest Regional Office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Mr. Eric Gustafson, Regional Manager, Environmental Cleanup Program, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Mr. Gustafson at 814-332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at 800-645-5984.

#### **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

##### **UNDER ACT 2, 1995**

##### **PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site



investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Sarah Cohen Residence**, 620 Carbon Street, Freeland Borough, **Luzerne County**. David A. Everitt III and Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 have submitted a Final Report (on behalf of their client, Sarah Cohen, 620 Carbon Street, Freeland, PA 18224), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank that had a broken fitting. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Standard Speaker* on October 20, 2009.

**Kuzmiak Property**, 54 Degrot Road, Palmyra Township, **Wayne County**. Dean Cruciani and Martin Gilgalon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 have submitted a Final Report (on behalf of their client, Michael Kuzmiak, 1457 Purdy Turnpike, Hawley, PA 18428), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of minor spills from an unregulated, 275-gallon heating oil aboveground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Scranton Times* on October 21, 2009.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**UGI-Penn National Gas-Danville Holder/Regulator Station**, Danville Borough, **Montour County**, Stantec Consulting Services, Inc., 400 Davis Dr., Suite 400, Plymouth Meeting, PA 19462, on behalf of UGI Natural Gas, 100 Kachel Blvd., Suite 400, Reading, PA

19612 has submitted a Final Report concerning remediation of site soil contaminated with arsenic, antimony, and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Stackpole Center Southwest Area**, City of St. Marys, **Elk County**. EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 on behalf of EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 has submitted a Final Report concerning remediation of site soil contaminated with acenaphthene, anthracene, antimony, arsenic, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[ghi]perylene, cadmium, chrysene, dibenzo[a,h]anthracene, 1,2-dichloroethane, cis-1,2-dichloroethylene, fluoranthene, lead, mercury, naphthalene, phenanthrene, silver, tetrachloroethylene (PCE), toluene, trichloroethylene (TCE), vinyl chloride and groundwater cadmium, 1,2-dichloroethane, 1,1-dichloroethylene, cis-1,2-dichloroethylene, 2-methylnaphthalene, naphthalene, nickel, tetrachloroethylene (PCE), toluene, trichloroethylene (TCE), vinyl chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan,

is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**LWB Refractories Brick Plant Tank Farm**, West Manchester Township, **York County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of LWB Refractories, 320 North Baker Road, York, PA 17408, submitted a Final Report concerning remediation of site soils contaminated with No. 4 fuel oil released from an aboveground storage tank system. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on December 2, 2009.

**Rodney Weyant Residence**, Taylor Township, **Blair County**. Groundwater & Environmental Services, Inc., 6 Sheraton Drive, Suite 2, Altoona, PA 16601, on behalf of Rodney Weyant, R. D. 2, Box 218, Martinsburg, PA 16662, submitted a Final Report concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on December 3, 2009.

**Allen and Rebecca Hollenbach Residence**, Muhlenberg Township, **Berks County**. Dorson Environmental Management, Inc., 45 Knollwood Road, Elmsford, NY 10523, on behalf of Allen and Rebecca Hollenbach, 818 Floret Avenue, Reading, PA 19605, and FM Brown's Sons, Inc., 717 Lancaster Avenue, Reading, PA 19607, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on December 3, 2009.

**Kristopher Brown Residence**, Conoy Township, **Lancaster County**. Trimpi Associates, Inc., 16335 Old Plains Road, Pennsburg, PA 18073, on behalf of Kristopher Brown, 208 Falmouth Road, Bainbridge, PA 17502, submitted a Final Report concerning site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on December 3, 2009.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**M/K Express—Altmire SR**, 322 West Accident, College Township, **Centre County**. Minuteman Spill Re-

sponse, Inc., P. O. Box 10, Mifflinville, PA 18631 on behalf of M/K Express, P. O. Box 509, East Butler, PA 16029 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 25, 2009.

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**Bond release proposal under the Solid Waste Management Act, the Act of July 7, 1980, P. L. 380, 35 P. S. §§ 6018.101—6018.1003 and regulations to operate a solid waste processing or disposal area or site.**

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Proposed Action on a Request for Bond Release

Proposed action on a request for a bond release under the Solid Waste Management Act, P. L. 380, 35 P. S. §§ 6018.101—6018.1003 and regulations to operate a municipal waste facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding this proposal. Responses should include the name, address and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period and/or public hearing, the Department of Environmental Protection make a final determination regarding the proposed bond action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Intent to Release Bond

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**ID No. 101014, Marine Rigging, Ltd.**, 408 Hoffman Road, Pittsburgh, PA 15212, Reserve Township, **Allegheny County**. On November 23, 2009, the Department of Environmental Protection (Department) received a request for a bond release from Marine Rigging for its closed construction and demolition waste landfill at its Reserve Park site. The Department has reviewed the request and has determined that it is consistent with 25 Pa. Code § 271.341.

## AIR QUALITY

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**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**58-310-020GP3: Simonds Excavating, Inc.** (301 Shepard Road, Sayre, PA 18840-9103) on December 2, 2009, to construct and operate a Portable Crushing



Operation with watersprays at their site in Choconut Township, **Susquehanna County**.

**39-301-083GP14: Fairview Crematorium—Allentown** (855 Lehigh Street, Allentown, PA 18103) on November 18, 2009, for installation and operation of a human remains crematory at their site in Allentown, **Lehigh County**.

**39-329-014GP9: DVS Enterprises** (5285 West Coplay Road, Whitehall, PA 18052-2211) on November 18, 2009, for construction and operation of an IC engine at their site in Whitehall Township, **Lehigh County**.

**39-310-042GP3: DVS Enterprises** (5285 West Coplay Road, Whitehall, PA 18052-2211) on November 18, 2009, for construction and operation of a Portable Crushing Operation with watersprays at their site in Whitehall Township, **Lehigh County**.

**48-323-007GP4: Polyone Corp.** (2513 Highland Avenue, Bethlehem, PA 18020) on November 30, 2009, for the installation and operation of a burn off oven at the site located in Bethlehem, **Northampton County**.

**48-323-008GP4: Polyone Corp.** (2513 Highland Avenue, Bethlehem, PA 18020) on November 30, 2009, for the installation and operation of a burn off oven at their site in Bethlehem, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.*

**GP3-16-07-03014: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on December 2, 2009, for Portable Nonmetallic Mineral Processing Plant under GP3 in Taylor Township, **Blair County**.

**GP3-36-03178A: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105-3331) on November 30, 2009, for a Portable Nonmetallic Mineral Processing Plant under GP3 in East Hempfield Township, **Lancaster County**.

**GP9-36-03178A: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105-3331) on November 30, 2009, for a Diesel or #2 fuel-fired Internal Combustion Engine under GP9 in East Hempfield Township, **Lancaster County**.

**GP14-21-03094: Dugan-Ewing Funeral Home** (51 Asper Drive, Shippensburg, PA 17257) on December 3, 2009, for a Human or Animal Crematory in Shippensburg Township, **Cumberland County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.*

**GP5-08-290: EOG Resources, Inc.** (400 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317) on November 20, 2009, for construction and operation of one natural gas-fired compressor engine rated at 1,340 brake-horsepower and a 375,000 Btu per hour glycol dehydrator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Bradford Compressor Station in Springfield Township, **Bradford County**.

**GP5-08-299: Appalachia Midstream Services, LLC** (P. O. Box 54382, Oklahoma City, OK 73154) on November 24, 2009, to assume control and operation of an existing 42.1 brake-horsepower natural gas-fired compressor engine, one existing 50 million cubic feet per day

glycol dehydration unit equipped with a 0.275 million btu per hour natural gas-fired reboiler, and one existing 50 million cubic feet per day glycol dehydration unit equipped with a 1.0 million btu per hour natural gas-fired reboiler and a 3.5 million btu per hour natural gas-fired line heater under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at their Evanchick Station in Asylum Township, **Bradford County**.

**GP5-08-298: Chief Gathering, LLC** (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on November 25, 2009, for construction and operation of a 203 brake horsepower natural gas-fired compressor engine under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at their Black No. 1H Well Pad in Burlington Township, **Bradford County**.

**GP5-41-02E: Chief Gathering, LLC** (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on December 2, 2009, for construction and operation of three (3) natural gas-fired compressor engines, each rated at 1,340 brake horsepower and equipped with catalytic converters and one 125 million standard cubic feet per day glycol dehydrator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Barto Compressor Station in Penn Township, **Lycoming County**.

**GP3-57-07A: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on December 4, 2009, to construct and operate a portable non-metallic mineral crusher and associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Dushore Materials facility in Cherry Township, **Sullivan County**.

**GP9-57-02A: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on December 4, 2009, to construct and operate one Caterpillar Model C12 diesel-fired engine with a rating of 425 brake horsepower (bhp) pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines, at their Dushore Materials facility in Cherry Township, **Sullivan County**.

**GP5-08-299B: Appalachia Midstream Services, LLC** (P. O. Box 54368, Oklahoma City, OK 73162) on December 4, 2009, to increase the natural gas throughput in the existing glycol dehydrators (Unit No. 1R and Unit No. 2) from 50 million standard cubic feet per day to 70 million standard cubic feet per day under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Evanchick Station in Asylum Township, **Bradford County**.

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**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.*

**23-0045A: Sunoco Partners Market & Terminal, LP** (525 Fritztown Road, Sinking Spring, PA 19608) on December 7, 2009, for an increase in gasoline loading throughput to 1,056,000,000 gallons per year (12-month rolling sum) and installation of a vapor recovery unit on the gasoline loading rack as a primary control unit, at Sunoco major bulk gasoline terminal facility at 4041 Market Street, Aston, PA 19014, Upper Chichester Township, **Delaware County**. The source will use the existing vapor combustion unit as a back up control device with a maximum annual gasoline throughput of 480,000,000 gallons. The source is subject to the MACT regulations of 40 CFR Part 63, Subpart BBBB. The installation of vapor recovery unit will result in no increase in previously permitted emissions. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 23-00045. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**54-302-076: Van Hoekelen Greenhouses, Inc.** (P. O. Box 88, Route 309, McAdoo, PA 18237-0088) on December 2, 2009, for construction of a new coal fired boiler at their facility in Kline Township, **Schuylkill County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.*

**36-05106A: Premier Custom Built, Inc.** (110 Short Street, New Holland, PA 17557-1515) on December 4, 2009, for their custom wooden kitchen cabinets in East Earl Township, **Lancaster County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.*

**42-004E: American Refining Group** (77 North Kendall Avenue, Bradford, PA 16701) on December 1, 2009, for a minor plan approval amendment to waive the H<sub>2</sub>S performance testing and implement an H<sub>2</sub>S alternative monitoring plan associated with the Hydrotreater Unit and the flue gas Desulfurization Unit permitted in Plan Approval 42-004C in their Bradford facility in Bradford City, **McKean County**. This is a Title V facility, Permit No. 42-0004.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.*

**23-0066B: PyroPure, Inc.—t.a. Pyromet** (5 Commerce Drive, Aston, PA 19014) on December 1, 2009, to operate a replace baghouse in Chester Township, **Delaware County**.

**46-0027B: Johnson & Johnson Pharmaceutical Research & Development, LLC** (Welsh and McKean

Roads, Spring House, PA 19477) On December 1, 2009, to operate (3) three new 350-hp boilers in Lower Gwynedd Township, **Montgomery County**.

**46-0069C: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on December 1, 2009, to operate a shaker style baghouse in Whitmarsh Township, **Montgomery County**.

**46-313-146: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on December 1, 2009, to operate a base pigment dispersion facility in Hatfield Township, **Montgomery County**.

**15-0054B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on December 1, 2009, to operate a new burner in East Whiteland Township, **Chester County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.*

**08-310-005: E.A. Ward Excavating, Inc.** (R. R. 3, Box 244, Troy, PA 16947-9430) on December 4, 2009, to extend the authorization for construction and temporary operation of a non-metallic mineral processing plant (stone crushing plant) in West Burlington Township, **Bradford County**.

**14-00014D: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on December 4, 2009, to construct and operate a 4,800,000-gallon liquid asphalt storage tank. A plan approval condition will also be revised to increase the annual emissions limitations resulting from the proposed modification at their facility in Spring Township, **Centre County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: M. Gorog and B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.*

**30-00099G: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) on November 30, 2009, a minor plan approval modification to authorize additional sludge production in the proposed flue gas desulfurization wastewater treatment plant at the Hatfield's Ferry Power Station, in Monongahela Township, **Greene County**. The Plan Approval Expires on June 3, 2010.

The additional 102,930 tons of sludge produced by this treatment plant, at this facility, increases total potential emissions for the project by 0.70 ton of PM<sub>10</sub> and 3.67 tons of total PM, annually, and does not trigger NSR or PSD regulatory requirements.

The following Plan Approval Conditions have been revised to accommodate this physical change:

1. The maximum allowable sludge production throughput rate for the wastewater treatment plant is 117,530 tons in any consecutive 12-month period. (25 Pa. Code § 127.12b).

**30-00099G: Allegheny Energy Supply Company, LLC**, (800 Cabin Hill Drive, Greensburg, PA, 15601) On November 30, 2009, to extend the period of temporary operation of the limestone and gypsum materials handling equipment covered under plan approval PA-30-00099G until June 3, 2010, at the Hatfield's Ferry Power Station, located in Monongahela Township, **Greene County**. This is an extension

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.*



**10-281M: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056) on December 31, 2009, for construction of an additional Hydrogen Selenide production process in the existing DH building in Saxonburg, **Butler County**. This is a State Only V facility.

**62-032C: Ellwood National Forge—Irvine Plant** (One Front Street, Irvine, PA 16329) on November 30, 2009, for installation of two (2) new gas neutralizer emissions control devices on the existing four nitride furnaces in Brokenstraw Township, **Warren County**. This is a Title V facility.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Pa. Code Chapter 127, Subchapter G.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00038: Exelon Generation Company—Limerick Generation Station** (3146 Sanatoga Road, Pottstown, PA 19464) on December 7, 2009, for renewal of the Title V Operating Permit in Limerick Township, **Montgomery County**. The initial permit was issued on February 8, 2000. The facility is primarily used for electric power generation and operates three boilers and eight emergency generators, which mainly produce nitrogen oxide, sulfur oxide, and particulate matter emissions. The facility also operates two cooling towers and an emergency spray pond, which mainly produce particulate matter emissions. As a result of potential emissions of nitrogen oxide emissions (NOx), the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**33-00002: Owens-Illinois, Inc.—Plant No. 19** (Route 219N, Brockway, PA 15824) on December 7, 2009, for re-issuance of a Title V Permit to operate a glass containers manufacturing facility in Township of Snyder, **Jefferson County**. The major sources included. boiler, raw material handling & storage, batch gather and mix, glass melting furnaces C & D, cullet handling and storage, refiners (2), six forehearth, six annealing lehrs, miscellaneous combustion sources, six container forming machines, hot end surface treatment, road fugitives and four parts cleaning machines. The facility is a major facility due to its potential to emit of Oxides of Nitrogen (NOx) and Oxides of Sulfur (SOx). The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to CAM rule because the pre-controlled emissions are not exceeding the Title V threshold limits.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00003: Stroehmann Bakeries, LC** (1810 East Ridge Pike, Norristown, PA 19404) on December 7, 2009, for operation of various natural gas-fired sources (two (2) boilers, 32 space heaters, a roll oven, a bread oven and a catalytic oxidizer), 11 inkjet printers and a cold parts cleaner at their facility, in Plymouth Township, **Montgomery County**. In lieu of renewing Title V Operating Permit (TVOP) No. 46-00003, Stroehmann is restricting VOC emissions from the facility to 24.9 tpy. As a result, the facility will be issued a non-Title V (State-only) Operating Permit. No major changes have occurred at the facility. The permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**39-00013: Kraft Foods North American, Inc.** (7352 Industrial Boulevard, Allentown, PA, 18106) a State Only (Natural Minor) Operating Permit for manufacturing of dry, condensed, evaporated products at their facility in Upper Macungie, **Lehigh County**.

**35-00064: Flexible Foam Products, Inc.** (P. O. Box 126, Spencerville, OH 45887) on December 7, 2009, to issue a State-Only (Synthetic Minor) Operating Permit for operation of a polyurethane foam production line at their facility in Archbald Borough, **Lackawanna County**.

**54-00053: Pine Grove Manufactured Homes, Inc.** (2 Pleasant Valley Road, Pine Grove, PA 17963) on November 30, 2009, to reissue a State-Only (Synthetic Minor) Operating Permit for operation of wood cutting and trimming and adhesives and sealants application lines in Pine Grove Township, **Schuylkill County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.*

**06-05079: United Corrstack, Inc.** (720 Laurel Street, Reading, PA 19602-2718) on December 3, 2009, for production of roll stock paper from recycled paper in the City of Reading, **Berks County**. This is a renewal of the State-only operating permit.

**22-05049: TW Cylinders, LLC** (P. O. Box 2365, Harrisburg, PA 17105-2365) on December 3, 2009, for their compressed gas cylinder manufacturing facility in the City of Lancaster, **Dauphin County**. This is a renewal of the State-only operating permit.

**36-03094: Snavelly's Mill, Inc.** (333 Snavelly Mill Road, Lititz, PA 17543-9624) on December 3, 2009, for their flour mill in Warwick Township, **Lancaster County**. This is a renewal of the State-only operating permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**24-00134: Contact Technologies, Inc.** (229 West Creek Road, Saint Marys, PA 15857) on December 2, 2009, for a Natural Minor Permit to operate an electric

current carrying wiring devices manufacturing facility in City of Saint Marys, **Elk County**. The significant sources are ceramic production, machine shop operations, mixing, molding, table saws and three grinders, machining operations and safety klean degreaser unit. The facility is natural minor because the emissions of pollutants from the facility are less than Title V emissions threshold limits.

**42-00206: Holm Industries, Inc.** (700 1/2 N Elk Avenue, Kane, PA 16735-1068) on December 1, 2009, to renew a State Only Operating Permit for manufacturing electrical equipment and supplies in Kane Borough, **McKean County**. The facility is a Natural Minor. The primary sources at the facility include two rotary calcining furnaces controlled by a wet scrubber, two iron oxide silos controlled by individual bin vents, and a 30 gallon crystal clean parts cleaner.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00122: Blue Bell Investment Co., LP** (Township and Union Meeting Roads, Blue Bell, PA 19424) on December 4, 2009, for operation of boilers, emergency generators, small heaters and a parts washer at their Blue Bell central office in Whitpain Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NO<sub>x</sub> to less than 25 tpy; therefore, the facility is a Synthetic Minor. The renewal permit includes a Change of Ownership of the facility formerly owned by Unisys Corporation. The renewal includes monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**23-00073: Alan McIlvain Co.** (501 Market Street, Marcus Hook, PA 19061) on December 4, 2009, for an Administrative Amendment to State Only (Synthetic Minor) Operating Permit No. 23-00073 for their facility in Marcus Hook Borough, **Delaware County**. The Administrative Amendment incorporates the requirements of Plan Approval No. 23-0073 for two (2) planers and an associated dust collector at the facility. The Administrative Amendment is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**09-00048: H & K Materials, Div.—of Haines & Kibblehouse, Inc.** (P.O. Box 196, Skippack, PA 19474) on December 4, 2009, for operation of an asphalt plant in Hilltown Township, **Bucks County**. On December 4, 2009 the Synthetic Minor Operating Permit was administratively amended to incorporate the terms and conditions of Plan Approval No. 09-00048D.

**46-00020: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on December 8, 2009, to amend the permit is to incorporate conditions from Plan Approval No. 46-0020E in Lower Providence Township, **Montgomery County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**37-00126: Viridian Systems, LLC** (300 Southwest Ave, Tallmadge, OH 44278) on December 1, 2009, to issue an administrative amendment to the State Only Operating Permit to incorporate the change owner and owner address in the Town of Erie, **Erie County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Braun, Chief—Telephone: 215-685-9476.*

**S08-004: St. Christopher's Hospital for Children, LLC**, (Erie Avenue at Front Street, Philadelphia, PA 19134) was administratively amended on December 4, 2009 to correct the facility and permit contacts. The facility's air emission source includes one (1) 200 hp boiler, one (1) 300 hp boiler, one (1) 500 hp boiler, two (2) less than 50 hp boilers, two (2) 1,520 hp emergency generators, and one (1) 145 hp emergency generator.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

### Coal Applications Returned

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**30940701 and NPDES Permit # PA0215465, Coresco, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the Refuse Dump No. 4 in Monongahela Township, **Greene County** to add 34.05 refuse disposal acres and add alkaline to the site and revise the related NPDES permit to add two storm water discharge outlets. Coal Refuse Disposal Acres Proposed 34.05. Receiving stream: Monongahela River, classified for the following uses: WWF, N. The first downstream potable water supply intake from the point of discharge is Dunkard Valley Water Authority and intake Monongahela River. Application received: December 22, 2008. Application withdrawn: December 1, 2009.

### Coal Permits Actions

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**11860104 and NPDES No. PA0597724. Cooney Brothers Coal Company**, P.O. Box 246, Cresson, PA 16630, permit renewal for reclamation only and water treatment on a bituminous surface and auger mine in Conemaugh Township, **Cambria County**, affecting 301.7 acres. Receiving streams(s): Bear Run and unnamed tributaries to and Little Conemaugh River classified for the following use(s): cold water fishery. There are no



potable water supply intakes within 10 miles downstream. Application received: March 13, 2008. Permit issued: December 2, 2009.

**56703120 and NPDES No. PA0607622. Jenners, Inc.,** P. O. Box 171, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface and coal refuse disposal mine in Jenner Township, **Somerset County**, affecting 580.0 acres. Receiving stream(s): unnamed tributaries to Quemahoning and Hoffman Creeks classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: September 16, 2009. Permit issued: December 2, 2009.

**56813104 and NPDES No. PA0599115. Finzel Coal,** 12152 National Pike, Grantsville, MD 21536-2105, permit renewal for reclamation only of a bituminous surface mine and to operate water treatment facilities in Brothersvalley Township, **Somerset County**, affecting 344.7 acres. Receiving stream(s): unnamed tributaries to and Tubs Run Creek classified for the following uses(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2009. Permit issued: December 3, 2009.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.*

**26773026 and NPDES Permit No. PA0079031. Charles L. Swenglish & Sons Coal Company, Inc.** (83 Swenglish Lane, Smithfield, PA 15478). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in German Township, **Fayette County**, affecting 166.2 acres. Receiving stream: unnamed tributary to South Branch of Browns Run. Application received: October 9, 2009. Renewal issued: December 3, 2009.

**02080102 and NPDES Permit No. PA0251500. Mashuda Corporation** (21101 Route 19, Cranberry Township, PA 16066). Permit revised to allow the reconstruction of an existing stream crossing over unnamed tributary "A" to Robinson Run, at an existing bituminous surface mining site located in North Fayette and Collier Townships, **Allegheny County**, affecting 163.8 acres. Receiving streams: Robinson Run, and unnamed tributary to Robinson Run and Pinkertons Run. Application received: October 7, 2009. Revised permit issued: December 3, 2009.

**65-09-01 and NPDES Permit No. PA0251771. Robindale Energy Services, Inc.** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Government Financed Construction Contract issued for reclamation of abandoned mine lands, located in Hempfield Township, **Westmoreland County**, affecting 15.2 acres. Receiving stream: unnamed tributary to Little Crabtree Creek. Application received: January 12, 2009. Permit issued: December 4, 2009.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**17813084. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 407.3 acres. Receiving stream(s): Wolf Run to, and an unnamed tributary to the West Branch Susquehanna River to Susquehanna River. Application received: September 28, 2009. Permit issued: November 24, 2009.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**54830104R5. Hardway Coal Company,** (44 Keystroker Lane, Schuylkill Haven, PA 17972), renewal of an existing anthracite surface mine, coal refuse disposal and coal preparation operation in Cass Township, **Schuylkill County** affecting 54.4 acres, receiving stream: none. Application received: November 18, 2008. Renewal issued: December 2, 2009.

#### *Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**25090301. Lakeland Aggregates, Inc.** (13053 SR 89, Wattsburg, PA 16442) Commencement, operation and restoration of a sand & gravel operation in Venango Township, **Erie County** affecting 45.0 acres. Receiving streams: Unnamed tributary to Bailey Brook and Bailey Brook. Application received: February 10, 2009. Permit Issued: December 3, 2009.

**19474-25090301-E-1. Lakeland Aggregates, Inc.** (13053 SR 89, Wattsburg, PA 16442) Application for a stream encroachment to use and maintain an existing haul road crossing over Bailey Brook in Venango Township, **Erie County**. Receiving streams: Unnamed tributary to Bailey Brook and Bailey Brook. Application received: February 10, 2009. Permit Issued: December 3, 2009.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**08090301. E.A. Ward Excavating** (R. R. 3, Box 244, Troy, PA 16947-9430), commencement, operation and restoration of a shale operation in West Burlington Township, **Bradford County**. Affecting 26.6 acres. Receiving stream(s): unnamed tributary to Sugar Creek. Application received: January 8, 2009. Permit issued: November 25, 2009.

**08092805. Timothy D. Leonard** (R. R. 3, Box 163B, Columbia Cross Roads, PA 16914), commencement, operation and restoration of a shale operation in Springfield Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Mill Creek, Pisgah Creek. Application received: March 18, 2009. Permit issued: November 5, 2009.

**09082806. Timothy D. Leonard** (R. R. 3, Box 163B), Columbia Cross Roads, PA 16914), commencement, operation and restoration of a gravel operation in Ridgebury Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Buck Creek, Bently Creek. Application received: March 18, 2009. Permit issued: November 5, 2009.

**17092802. Larry D. Baumgardner Coal Co, Inc.** (P. O. Box 186, Lanse, PA), commencement, operation and restoration of Lower Mercer Hard Clay, Lower Mercer Coal (Incidental), in Decatur Township, **Clearfield County** affecting 7.3 acres. Receiving stream(s): Coal Run. Application received: March 18, 2009. Permit issued: October 30, 2009.

**53090804. Randy Cornelius** (Box 127, Roulette, PA 16746), commencement, operation and restoration of a bluestone operation in Roulette Township, **Potter County** affecting 5.0 acres. Receiving stream(s): unnamed tributary to Sartwell Creek, Allegheny River. Application Received: June 10, 2009. Permit issued: November 23, 2009.

**53090805. James C. Leach** (197 W. Main Street, Galeton, PA 16922), commencement, operation and restoration of a topsoil/gravel operation in Pike Township, **Potter County** affecting 1.0 acre. Receiving stream(s): Pine Creek, West Branch Susquehanna River. Application received: August 3, 2009. Permit issued: November 23, 2009.

**59092801. Steve Hanes** (P. O. Box 318, Westfield, PA 16850), commencement, operation and restoration of an existing sand and gravel operation located in Westfield Township, **Tioga County**. This is an upgrade from 2,000 ton/yr to 10,000 tons/yr. Permit issued November 5, 2009.

**08092807. M. R. Dirt, Inc.** (R. R. 2, Box 147, Towanda, PA 18848), Transfer of an existing shale and bluestone operation from Kenneth E. Ober in Asylum Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): unnamed tributary to Bennetts Creek, Bennetts Creek to Susquehanna River. Application received July 16, 2009. Permit issued October 30, 2009.

**14020801. Judith R. Burlingame** (740 E. Main Street, Lock Haven, PA 17745-1519), Transfer of an existing topsoil operation from Judith R. Burlingame and Donald R. Robinson in Snow Shoe Township, **Centre County** affecting 5.0 acres. Receiving stream(s): North Fork of Beech Creek. Application received July 10, 2009. Transfer permit issued November 5, 2009.

**14020802. Judith R. Burlingame** (740 E. Main Street, Lock Haven, PA 17745-1519), Transfer of an existing stone operation from Judith R. Burlingame and Donald R. Robinson in Snow Shoe Township, **Centre County** affecting 5.0 acres. Receiving stream(s): North Fork of Beech Creek. Application received July 10, 2009. Transfer permit issued November 5, 2009.

**14000801. Martin L. Koleno, Jr.** (120 Hickory Road, Clarence, PA 16829), Transfer of an existing shale operation from Martin L. Koleno in Snow Shoe Township, **Centre County** affecting 5.0 acres. Receiving stream(s): Cherry Run N. Fork, Beech Creek. Application received July 10, 2009. Permit issued November 9, 2009.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**7976SM1C9 and NPDES Permit No. PA0118389.** Eureka Stone Quarry, Inc., (P. O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Warrington Township, **Bucks County**, receiving stream: unnamed tributary to Mill Creek. Application received: July 20, 2009. Renewal issued: December 2, 2009.

**7174SM1C6. Hempt Brothers, Inc.,** (205 Creek Road, Camp Hill, PA 17011), correction to an existing quarry operation to authorize a final depth of mining of 75 feet MSL in Swatara Township and Steelton Borough, **Dauphin County** affecting 213.3 acres, receiving stream: Susquehanna River. Application received: March 27, 2009. Correction issued: December 7, 2009.

**7174SM1C7 and NPDES Permit No. PA0009407. Hempt Brothers, Inc.,** (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Swatara Township and Steelton Borough, **Dauphin County**, receiving stream: Susquehanna River. Application received: October 23, 2009. Renewal issued: December 7, 2009.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity**

**permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.*

**65094011. Green River Resources** (186 Dawn Drive, Columbia Falls, MT 59912). Permit issued for seismic exploration in Derry and Unity Townships, **Westmoreland County**, with an expected duration of approximately 1 year. Permit issued: December 3, 2009.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**080940008. Geokinetics, Inc.** (R. R. 6, Box 6176, Towanda, PA 18848), seismic exploration blasting in Springfield, Rome Sheshequin, Smithfield, Burlington, Monroe, Towanda, Troy, Asylum, Wysox, Canton, Columbia, Franklin, Granville, Leroy, Ulster, North Towanda and West Burlington Townships, **Bradford County**. Permit Issued: December 7, 2009. Permit expires: January 1, 2011.

**17094013. Appalachian Geophysical** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637), seismic exploration blasting in Boggs Township, **Clearfield County**. Permit issued: November 17, 2009. Permit expires: November 13, 2010.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**40094118. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting for Franzossa Trucking & Excavating in Butler Township, **Luzerne County** with an expiration date of December 1, 2010. Permit issued: December 3, 2009.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available



in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Floodplain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1–691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**E09-940. PennDOT**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Haycock Township, **Bucks County**, ACOE Philadelphia District.

To remove the existing Sawmill Road Bridge and to construct and maintain in its place an approximately 28-foot long, 20-foot wide, and approximately 2.75-foot high box culvert across Kimples Creek (TSF).

The site is located approximately 1,100 feet west of the intersection of Sawmill and Old School Roads in Haycock Township, Bucks County (Quakertown, PA USGS Quadrangle N: 20.5 inches; W: 2.25 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E23-451. Corinthian Yacht Club of Philadelphia**, P.O. Box 366, Essington, PA 19029-0366, Tinicum Township **Delaware County**, ACOE Philadelphia District.

To construct and maintain the following Water Obstruction and Encroachment activities along Delaware River (WWF/MF) associated with the proposed Marina improvements at the Corinthian Yacht Club of Philadelphia:

1) To remove portions of the existing upriver deteriorated solid fill crib structure.

2) To construct and maintain the proposed upriver pier, extending approximately 320 feet from the shoreline. The pier is 25-foot wide which widens out to 150-foot at the tee-head. The proposed 65-foot long pier will be supported by H-pile bents placed at 25-foot center to center. Two boat hoists will be installed at each end of the tee-head.

3) To construct and maintain the proposed 78-foot long, 15-foot wide fixed pier. The proposed timber pile bents will be supported at 10-foot center to center.

4) To install and maintain the proposed floating dock system consisting of:

- One 6-foot wide access boat ramp
- One 4-foot wide pedestrian ramp
- One 150-foot long, 8-foot wide main floating dock

- Three 80-foot long, 8-foot wide floating docks
- Two 50-foot long, 8-foot wide tee heads
- Three 21-foot long, 4-foot wide finger piers
- Sixteen 20-foot long, 10-foot wide floating dingy docks
- Ten 14-inch diameter timber piles will be utilized in installation of this floating dock.

5) To construct and maintain an approximately 90-foot long, 20-foot wide boat ramp.

6) To construct and maintain the proposed 144-foot long, 8-foot wide fixed pier and associated plastic sheet piling along the existing bulkhead.

The project is located along Delaware River in Tinicum Township, Delaware County (Bridgeport, PA-NJ USGS Quadrangle Latitude: N: 39° 51' 38"; Longitude: W: 75° 18' 24").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**E36-858: Wonderland Amusement Management, LLC, Richard Stammel**, 2249 Lincoln Highway East, Lancaster, PA 17602, East Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To remove six single span pedestrian stream crossings, each having a width of 7.0 feet and spans of 28.0 feet, 25.0 feet, 24.5 feet, 26.0 feet, 29.0 feet and 28.0 feet, in a canal located in the floodway of Mill Creek (WWF). Also to construct and maintain an 8.5-foot wide dual span bridge having normal spans of 30.0 feet and 36.0 feet and an underclearance of 5.4 feet, a 6-inch depressed, 42-foot long 36-inch diameter RCP culvert pipe in a canal located in the floodway of Mill Creek (WWF). A temporary road crossing consisting of two 29-foot long, 48-inch diameter culvert pipes in Mill Creek, and a 30-foot by 56-foot pavilion located in the floodway of Mill Creek (WWF), all for the purpose of improvements at the Dutch Wonderland Family Amusement Park located off of Route 30 (Leola, PA Quadrangle 5.75 inches North; 13.12 inches West, Latitude: 40° 1' 53.9" N; Longitude: 76° 13' 6.7" W) in East Lampeter Township, Lancaster County.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E17-452. City of DuBois**, P.O. Box 408, 16 West Scribner Avenue, DuBois, PA 15801. Pedestrian Bridge Across Beaver Run, DuBois City, **Clearfield County**, ACOE Pittsburgh District (Luthersburg, PA Quadrangle Latitude: 41° 07' 16.44"; Longitude: 78° 44' 32.64").

The applicant proposes to construct, operate and maintain a pedestrian bridge crossing Beaver Run for public access to recreational facilities. The bridge across Beaver Run shall be constructed as a single span structure having a minimum span of 50-feet, underclearance of 4.5-feet, and width of 4-feet. The project is located along the southern right-of-way of Beaver Drive approximately 3250-feet west of Shaffer Road and Beaver Drive intersection. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-600. DCNR—Bureau of Forestry, District 20**, 6735 Route 220, Dushore, PA 18614-8101. Small Projects Water Obstruction and Encroachment Joint Permit, in

Plunketts Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Barbours, PA Quad-range N: 41° 23' 59.15"; W: 76° 46' 16.30").

To construct and maintain a canoe launch, measuring 870 square feet, in the delineated floodway of Loyalsock Creek, located at the Sandy Bottom canoe access along the northern right-of-way of SR 0087, 2.7 miles north of the intersection with SR 1007, in Plunketts Creek Township, Lycoming County. There are no proposed wetland impacts. This permit was issued under Section 105.13(e) "Small Projects."

**E57-117. DCNR—Bureau of Forestry, District 20**, 6735 Route 220, Dushore, PA 18614-8101. Small Projects Water Obstruction and Encroachment Joint Permit, in Hills Grove Township, **Sullivan County**, ACOE Susquehanna River Basin District (Hills Grove, PA Quad-range N: 41° 26' 55.88"; W: 76° 42' 41.18").

To construct and maintain a canoe launch measuring 160 square feet in the delineated floodway of Loyalsock Creek, which is located along the northern right-of-way of Jack's Road, 1.2 miles east of the intersection with SR 0087, in Hills Grove Township, Sullivan County. There are no impacts to wetlands proposed. This permit was issued under Section 105.13(e) "Small Projects."

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E63-617. Canonsburg Borough**, 68 East Pike Street, Canonsburg, PA 15317. To construct and maintain a 160-foot long bank stabilization in Canonsburg Borough, **Washington County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 1.1 inches; W: 10.0 inches, Latitude: 40° 15' 22"; Longitude: 80° 11' 48"). To construct and maintain a 160 feet of bank stabilization and remove a 95-foot long gravel bar in Chartiers Creek (WWF) located approximately 150 feet downstream of Strabane. The stabilization project includes construction of R-6 stone armor and planting above the stone armor on the right bank of the Chartiers Creek.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E25-730, Washington Township**, 11800 Edinboro Road, Edinboro, PA 16412. T-307 Bridge Over Little Conneauttee Creek, in Washington Township, **Erie County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 41° 52' 47"; W: 80° 3' 13").

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 66.75 feet and an underclearance of 7.9 feet on a 67 degree skew across Little Conneauttee Creek, place and maintain fill within the 100-year flood plain of Little Conneauttee Creek associated with changes to roadway elevation, realign approximately 375 feet of a tributary to Little Conneauttee Creek along the south side of the roadway extending from the mouth along the west side of Little Conneauttee Creek extending upstream and impact a deminimus amount of wetland adjoining Little Conneauttee Creek on T-307, Conneauttee Road, approximately 800 feet east of SR 86

**E25-733, Millcreek Township School District**, 3740 West 26th Street, Erie, PA 16506-2096. Asbury Woods Nature Center Boardwalk, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 42° 3' 9"; W: 80° 10' 47.1").

The applicant proposes to remove the existing board trail and to construct and maintain an approximately

230-foot-long by 7-foot-wide elevated boardwalk on helical piers over PEM/PSS wetland (0.022 acre of aerial coverage, 135 feet of length over the wetland and < 0.022 acre impact) and a UNT Walnut Creek (drainage area < 100 acres) in the location of an existing pedestrian nature trail at the Asbury Woods Greenway approximately 0.75 mile SE of the intersection of Millfair Road and West 38th Street. UNT Walnut is a perennial stream classified as a migratory fishery and a cold water fishery. The project includes construction of temporary wetland crossings.

## ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA3709-001. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Slippery Rock Township, **Lawrence County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 3,100 linear feet of dangerous highwalls. The project will include the backfilling of 1.2 acres of PSS/PEM wetlands (of which 0.2 acre are AMD-impacted), 195 feet of AMD-impacted channel, and 2.5 acres of waterbodies that have developed within the open surface mine pits. The project will avoid 0.7 acre of open water. A one-acre wetland will be constructed with the project (Portersville Quadrangle N: 12.0 inches; W: 16.0 inches).

**EA1009-014. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Muddy Creek Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes the backfilling of a 3,300 linear foot dangerous highwall. The project will include the elimination of a 1.59 acre nonjurisdictional open waterbody and 0.14 acre PEM wetland that have developed within the open surface mine pit. 0.2 acre of replacement wetland will be constructed with the project (Prospect Quadrangle N: 9.5 inches; W: 16.5 inches).

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and

of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-1 #: ESX09-117-0025  
Applicant Name: Seneca Resources Corp.  
Contact Person: Doug Kepler  
Address: 51 Zents Boulevard  
City, State, Zip: Brookville, PA 15825  
County: Tioga  
Township(s): Covington and Richmond Twps.  
Receiving Stream(s) and Classification(s): UNT to Elk Run

ESCGP-1 #: ESX09-033-0006  
Applicant Name: Eastern American Energy  
Contact Person: Seth Burdette  
Address: 1380 Route 286, Highway E  
City, State, Zip: Indiana, PA 15701  
County: Clearfield  
Township(s): Goshen Twp.  
Receiving Stream(s) and Classification(s): Coldstream Run/Pine Run

ESCGP-1 #: ESX09-081-0016  
Applicant Name: Chief Oil & Gas, LLC  
Contact Person: Michael Hritz  
Address: 6051 Wallace Road Ext, Suite 210  
City, State, Zip: Wexford, PA 15090  
County: Lycoming  
Township(s): Penn Twp.  
Receiving Stream(s) and Classification(s): Tarkin Run and Mud Run

ESCGP-1 #: ESX09-081-0015  
Applicant Name: Chief Oil & Gas, LLC  
Contact Person: Michael Hritz  
Address: 6051 Wallace Road Ext, Suite 210  
City, State, Zip: Wexford, PA 15090  
County: Lycoming  
Township(s): Penn Twp.  
Receiving Stream(s) and Classification(s): Sugar Run

ESCGP-1 #: ESX09-115-0012(01)—Major Revision—  
Applicant Name: Chief Oil & Gas, LLC  
Contact Person: Michael Hritz  
Address: 6051 Wallace Road Ext, Suite 210  
City, State, Zip: Wexford, PA 15090  
County: Susquehanna  
Township(s): Springville Twp.  
Receiving Stream(s) and Classification(s): UNT to Meshoppen Creek

ESCGP-1 #: ESX09-015-0062  
Applicant Name: Chesapeake Appalachia, LLC  
Contact Person: Eric Haskins  
Address: 100 1st Center  
City, State, Zip: Horseheads, NY 14845  
County: Bradford  
Township(s): Terry & Asylum Twps.  
Receiving Stream(s) and Classification(s): UNT to Susquehanna River

ESCGP-1 #: ESX09-015-0063  
Applicant Name: Chesapeake Appalachia, LLC  
Contact Person: Eric Haskins  
Address: 100 1st Center  
City, State, Zip: Horseheads, NY 14845  
County: Bradford  
Township(s): Albany Twps.  
Receiving Stream(s) and Classification(s): Ladds Creek-Tributary South Branch Towanda

ESCGP-1 #: 58-09-802 (Revision)  
Applicant Name: Cabot Oil & Gas Corp.  
Contact Person: Jeffrey Keim  
Address: Five Penn Center West, Suite 401  
City, State, Zip: Pittsburgh, PA 15276-0120  
County: Susquehanna  
Township(s): Dimock Twp.  
Receiving Stream(s) and Classification(s): Meshoppen Creek

ESCGP-1 #: ESX09-081-0014  
Applicant Name: Chief Oil & Gas, LLC  
Contact Person: Michael Hritz  
Address: 6051 Wallace Road, Suite 210  
City, State, Zip: Wexford, PA 15090  
County: Lycoming  
Township(s): Penn Twp.  
Receiving Stream(s) and Classification(s): UNT to Sugar Run

ESCGP-1 #: ESX09-115-0016  
Applicant Name: Cabot Oil & Gas Corporation  
Contact Person: Phil Stalnaker  
Address: 5 Penn Center West, Suite 401  
City, State, Zip: Pittsburgh, PA 15276  
County: Susquehanna  
Township(s): Springville, Brooklyn, Dimock, & Lathrop Twps.  
Receiving Stream(s) and Classification(s): Horton Cr, Meshoppen Cr, UNT of Horton Cr and Meshoppen Cr

ESCGP-1 #: ESX09-015-0064  
Applicant Name: Appalachia Midstream Services, LLC  
Contact Person: Patrick Myers  
Address: 100 1st Center  
City, State, Zip: Horseheads, NY 14845  
County: Bradford  
Township(s): Terry & Asylum Twps.  
Receiving Stream(s) and Classification(s): UNT to Durell Creek and Susquehanna River

ESCGP-1 #: ESX09-015-0065  
Applicant Name: Appalachia Midstream Services, LLC  
Contact Person: Patrick Myers  
Address: 100 1st Center  
City, State, Zip: Horseheads, NY 14845  
County: Bradford  
Township(s): Stevens & Tuscarora Twps.  
Receiving Stream(s) and Classification(s): Two UNT to Mill Creek/Tuscarora Creek Watershed

ESCGP-1 #: ESX09-015-0039(01)  
Applicant Name: Appalachia Midstream Services, LLC  
Contact Person: Patrick Myers  
Address: 100 1st Center  
City, State, Zip: Horseheads, NY 14845  
County: Bradford  
Township(s): Troy, Granville, West Burlington Twps.  
Receiving Stream(s) and Classification(s): North Branch Towanda Creek

ESCGP-1 #: ESX09-015-0069  
Applicant Name: Chesapeake Appalachia, LLC  
Contact Person: Eric Haskins



Address: 100 1st Center  
City, State, Zip: Horseheads, NY 14845  
County: Bradford  
Township(s): Tuscarora Twp.  
Receiving Stream(s) and Classification(s): Little  
Tuscarora Creek

ESCGP-1 #: ESX09-015-0071  
Applicant Name: Chesapeake Appalachia, LLC  
Contact Person: Eric Haskins  
Address: 100 1st Center  
City, State, Zip: Horseheads, NY 14845  
County: Bradford  
Township(s): Burlington Twp.  
Receiving Stream(s) and Classification(s): Deer Lick Run

ESCGP-1 #: 58-09-802  
Applicant Name: Cabot Oil & Gas Corporation  
Contact Person: Jeffrey Keim/Phil Stalnaker  
Address: Five Penn Center West, Suite 401  
City, State, Zip: Pittsburgh, PA 15276-0120  
County: Susquehanna  
Township(s): Dimock Twp.  
Receiving Stream(s) and Classification(s): Thomas Creek

ESCGP-1 #: ESX09-117-0030  
Applicant Name: East Resources Inc.  
Contact Person: Jefferson Long  
Address: 301 Brush Creek Road  
City, State, Zip: Warrendale, PA 15086  
County: Tioga  
Township(s): Jackson Twp.  
Receiving Stream(s) and Classification(s): Hamond/Seeley  
Creeks

## SPECIAL NOTICES

### DRINKING WATER STATE REVOLVING FUND

#### Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C.A. § 300f, et seq.

*Northwest Region: Program Manager, Water Supply  
Management, 230 Chestnut Street, Meadville, PA 16335-  
3481.*

##### *Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Meadville Area Water Authority	18160 Rogers Ferry Rd Meadville, PA 16335	Crawford

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Meadville Area Water Authority, proposes to construct a water transmission main around the area of concern, and replace the existing aging mains. The project also includes reconnecting the existing distribution pipes to the new main. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

##### *Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Hawthorn Redbank Redbank Municipal Authority (HRRMA)	P. O. Box 241 Hawthorn, PA 16230-0241	Clarion

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The proposed project will involve three components. The first component consists of a storage tank and force main to the new and existing water tank. This component has been constructed under a Letter of No Prejudice. The 2nd component is an interconnection with Redbank Valley Municipal Authority (RVMA), consisting of a waterline extension, meter pit, pump station and pressure reducing pit. This portion will give HRRMA the extra water required to provide water to the residents in the final Component. Component 3 is a waterline extension to the Village of Oakridge. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

##### *Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Borough of Volant	P. O. Box 96 530 Main St Volant, PA 16156-0096	Lawrence

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The proposed project consists of the construction of a new water treatment plant and will include steel package pressure filtration units for treatment and filtration. The project also includes the replacement of undersized waterlines, valves and fire hydrants. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

##### *Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Pleasantville Borough	P. O. Box 150 Pleasantville, PA 16341-0150	Venango

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The project will include the construction of an elevated water storage tank with a booster pump on the "inlet" and a PRV (pressure regulating valve) on the "outlet." The existing tank will be removed prior to the installation of the new tank. Improvements will also be provided at the Phillips booster pump station to insure proper operation of the water system while the elevated tank is out of service, as well as when the new tank is put into service. The proposed project will also include the replacement of waterlines and defective fire hydrants. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.



*Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Municipal Authority of the Borough of Greenville	44 Clinton St. Greenville, PA 16125-2281	Mercer

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The proposed project consists of the construction of a 1,000,000 gallon water storage tank, and related appurtenances at the location on Hadley Road, in order to add to the existing storage in the area and improve fire protection capabilities. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Winslow Township	1277 Yellow Brick Road Reynoldsville, PA 15851	Jefferson

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Winslow Township proposes to extend service from the Sykesville Borough water system to the Village of Soldier. This project will include a distribution system, a 75,000 gallon glass-lined, bolted-steel finished water storage tank, a transmission line and a booster pump station to convey finished water from Sykesville Borough. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

<i>Applicant</i>	<i>Address</i>	<i>County</i>
Paint Township Municipal Water Authority (PTMWA)	22139 Route 66, Shippensburg, PA 16254	Clarion

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Paint Township Municipal Water Authority (PTMWA) proposes to extend service to residents and businesses situated along Route 66, Doe Run Road, McClain-Watson, Myers and Manor Church Roads within the Township. The project involves installation of a pipeline infrastructure from existing waterline. Water source is PA American Water Clarion. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 09-2319. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Availability of General NPDES Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10); Public Notice

The Department of Environmental Protection (Department) by this notice is renewing its National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10) for a 5-year term. This General Permit is issued under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.1001), and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20) and will expire on December 20, 2014. The General Permit will continue not being applicable to discharges into waters designated as "special protection" under 25 Pa. Code Chapter 93 (relating to water quality standards). The aforementioned discharges are required to be covered through an individual permit.

Notice requesting comments on the proposed General Permit was published at 39 Pa.B. 6162 (October 17, 2009). During the 30-day public comment period, the Department only received comments from the Environmental Protection Agency (EPA). Based on the comments, two changes were made to the General Permit. The first change added language stating that the Department will require an individual permit for the discharge if coverage under this General Permit will not be consistent with an applicable TMDL. The second change added language requiring the Department to notify permittees of the final, renewed, reissued or amended General Permit by transmitting a letter and that the permittee shall be responsible for complying with the final, renewed, reissued or amended General Permit. The Department prepared a Comment and Response document, which summarizes EPA's comments and the changes that were made in the final General Permit. The Comment and Response document is available from the Department in the final General Permit package.

The General Permit package is available from the Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Division of Water Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184 and the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "NPDES Permits"; then select "General Permits").

Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-2320. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Pennsylvania Climate Change Action Plan

On behalf of Governor Edward G. Rendell, Secretary Hanger announces that on December 18, 2009, the Department of Environmental Protection (Department) released Pennsylvania's Climate Change Action Plan (Plan) which includes the public comment and response document. A copy of the Plan can be found at <http://www.depweb.state.pa.us/energy/cwp/view.asp?a=1532&q=539829>.

Pennsylvania is responsible for 1% of the planets human-made greenhouse emissions. On July 9, 2008, Governor Rendell signed the Pennsylvania Climate

Change Act (Act 70). One of the mandates of the Act 70 was the preparation of this report. Working with the Climate Change Advisory Committee the Department has prepared this Climate Change Action Report. The report identifies 52 specific actions that would result in 84.6 Million Metric Tons of Carbon Dioxide Equivalent (MMtCO<sub>2</sub>e) reduction of Pennsylvania's greenhouse gas emissions by 2020.

Questions regarding the Plan should be directed to Joseph Sherrick at josherrick@state.pa.us or Kim Hoover at khoover@state.pa.us or (717) 772-8911.

Persons in need of accommodations as provided for the Americans With Disabilities Act of 1990 should contact Angela Rothrock at (717) 772-8911, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-2321. Filed for public inspection December 18, 2009, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of ACMH Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that ACMH Hospital has requested an exception to the requirements of 28 Pa. Code §§ 131.22 and 131.23 (relating to treatment orders; and plan of care).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2322. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Calcagno and Rossi Vein Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Calcagno and Rossi Vein Surgery Center, LLC has requested an exception to the requirements of 28

Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 2.4.2 (relating to Phase II recovery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2323. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Center for Reproductive Surgery, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Center for Reproductive Surgery, LLC has requested an exception to the requirements of 28 Pa. Code § 559.3(b) (relating to nursing personnel).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2324. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Delaware Valley Nephrology and Hypertension Associates, P.C. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Delaware Valley Nephrology and Hypertension Associates, P.C. has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2325. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-5.2.11 (relating to corridor width) and 3.1-5.2.14 (relating to exam room doors).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2326. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

ACMH Hospital  
The Chester County Hospital  
Lansdale Hospital  
Mid Valley Hospital  
St. Joseph's Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2327. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Heritage Valley Beaver for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heritage Valley Beaver has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1.1.2 (relating to space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be



reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2328. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Holy Spirit Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Holy Spirit Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 5.3.3.2(2) (relating to layout).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2329. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Hypertension Nephrology Associates, P.C. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hypertension Nephrology Associates has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2330. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Lankenau Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lankenau Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 5.9.4.9 (relating to soiled workroom).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2331. Filed for public inspection December 18, 2009, 9:00 a.m.]



### Application of Lansdale Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lansdale Hospital has requested an exception to the requirements of 28 Pa. Code § 105.1 (relating to principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2332. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Laser Spine Surgery Center of Pennsylvania, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laser Spine Surgery Center of Pennsylvania, LLC has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2333. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Lock Haven Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lock Haven Hospital has requested an exception to the requirements of 28 Pa. Code § 109.2(b) (relating to director of nursing services).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2334. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Magee Womens Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee Womens Hospital has requested an exception to the requirements of 28 Pa. Code § 101.172 (relating to patient limits).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2335. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of Premier Podiatric Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Premier Podiatric Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2336. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of St. Mary Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Mary Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.4.2.1(b) (relating to clearance).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2337. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Application of UPMC Monroeville Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Monroeville Surgery Center has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2338. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

John J. Kane Regional Center—Ross Township  
110 McIntyre Road  
Pittsburgh, PA 15237

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(c)(1) (relating to nurses' station).

Highland Park Care Center  
745 North Highland Avenue  
Pittsburgh, PA 15206

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document and/or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2339. Filed for public inspection December 18, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania NHL® Philadelphia Flyers®/ Pittsburgh Penguins® Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania NHL® Philadelphia Flyers®/Pittsburgh Penguins®. The team logo appearing on the tickets will be either Philadelphia Flyers® or Pittsburgh Penguins® on an alternating consecutive basis. There is no difference in game play method. For readability, this notice will use a generic title, Pennsylvania NHL® instant lottery game, to represent the two different game scenes.

2. *Price:* The price of a Pennsylvania NHL® instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania NHL® instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9" and "GAME 10." Each "GAME" is played separately. Each "GAME" features a "HOME TEAM" area and an "AWAY TEAM" area. The play symbols and their captions located in the "HOME TEAM" area are: 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), Hockey Puck symbol (PUCK) and a Hockey Stick symbol (STICK). The play symbols and their captions located in the "AWAY TEAM" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN) and 8 (EIGHT).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "GAME" are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000 and \$20,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania NHL® instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$20,000 (TWY THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Hockey Puck (PUCK) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Hockey Puck (PUCK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets with a Hockey Stick (STICK) play symbol, and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of that Hockey Stick (STICK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets with a Hockey Puck (PUCK) play symbol, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "PRIZE" area to the right of that Hockey Puck (PUCK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a Hockey Stick (STICK) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Hockey Stick (STICK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Hockey Puck (PUCK) play symbol, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that Hockey Puck (PUCK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with a Hockey Stick (STICK) play symbol, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that Hockey Stick (STICK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a Hockey Puck (PUCK) play symbol, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that Hockey Puck



(PUCK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets with a Hockey Stick (STICK) play symbol, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "PRIZE" area to the right of that Hockey Stick (STICK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets with a Hockey Puck (PUCK) play symbol, and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "PRIZE" area to the right of that Hockey Puck (PUCK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets with a Hockey Stick (STICK) play symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of that Hockey Stick (STICK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets with a Hockey Puck (PUCK) play symbol, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that Hockey Puck (PUCK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets with a Hockey Stick (STICK) play symbol, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that Hockey Stick (STICK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets with a Hockey Puck (PUCK) play symbol, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "PRIZE" area to the right of that Hockey Puck (PUCK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets with a Hockey Stick (STICK) play symbol, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that Hockey Stick (STICK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(y) Holders of tickets with a Hockey Stick (STICK) play symbol, and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "PRIZE" area to the right of that Hockey Stick (STICK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(aa) Holders of tickets with a Hockey Stick (STICK) play symbol, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that Hockey Stick (STICK) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$2.

(bb) Holders of tickets where the "HOME TEAM" play symbol in any "GAME" is greater than the "AWAY TEAM" play symbol in that same "GAME," and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*If The Home Team Beats the  
Away Team, Win Prize To The  
Right Of That Game. Win  
With Prize(s) Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$1 × 2	\$2	25	240,000
\$2 w/HOCKEY STICK	\$2	30	200,000
\$2	\$2	25	240,000
\$1 × 4	\$4	75	80,000
\$2 × 2	\$4	75	80,000
\$4 w/HOCKEY STICK	\$4	75	80,000
\$4	\$4	75	80,000
\$1 × 5	\$5	150	40,000
\$5 w/HOCKEY STICK	\$5	150	40,000
\$5	\$5	75	80,000
\$1 w/HOCKEY PUCK	\$10	375	16,000
\$1 × 10	\$10	375	16,000
\$2 × 5	\$10	500	12,000



*If The Home Team Beats the  
Away Team, Win Prize To The  
Right Of That Game. Win  
With Prize(s) Of:*

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,000,000 Tickets
\$5 × 2	\$10	500	12,000
\$10 w/HOCKEY STICK	\$10	500	12,000
\$10	\$10	500	12,000
\$2 w/HOCKEY PUCK	\$20	750	8,000
\$2 × 10	\$20	750	8,000
\$4 × 5	\$20	1,500	4,000
\$5 × 4	\$20	750	8,000
\$10 × 2	\$20	750	8,000
\$20 w/HOCKEY STICK	\$20	1,500	4,000
\$20	\$20	750	8,000
\$4 w/HOCKEY PUCK	\$40	2,400	2,500
\$4 × 10	\$40	2,400	2,500
\$5 × 8	\$40	2,400	2,500
\$10 × 4	\$40	2,400	2,500
\$20 × 2	\$40	2,400	2,500
\$40 w/HOCKEY STICK	\$40	2,667	2,250
\$40	\$40	2,400	2,500
\$5 w/HOCKEY PUCK	\$50	3,000	2,000
(\$4 × 5) + (\$5 × 4) + \$10	\$50	3,000	2,000
(\$10 × 3) + \$20	\$50	3,000	2,000
\$50 w/HOCKEY STICK	\$50	3,000	2,000
\$50	\$50	3,000	2,000
\$10 w/HOCKEY PUCK	\$100	8,000	750
(\$2 × 5) + (\$20 × 4) + \$10	\$100	8,000	750
\$20 × 5	\$100	8,000	750
\$50 × 2	\$100	8,000	750
\$100 w/HOCKEY STICK	\$100	8,000	750
\$100	\$100	8,000	750
\$40 w/HOCKEY PUCK	\$400	40,000	150
\$40 × 10	\$400	40,000	150
\$100 × 4	\$400	60,000	100
\$400 w/HOCKEY STICK	\$400	60,000	100
\$400	\$400	60,000	100
\$100 w/HOCKEY PUCK	\$1,000	600,000	10
\$100 × 10	\$1,000	600,000	10
(\$400 × 2) + (\$50 × 4)	\$1,000	600,000	10
\$1,000	\$1,000	600,000	10
\$20,000	\$20,000	600,000	10

HOCKEY STICK (STICK) = Win prize shown for that game.

HOCKEY PUCK (PUCK) = Win 10 times the prize shown for that game.

Losing Pennsylvania NHL® Philadelphia Flyers®/ Pittsburgh Penguins® instant lottery tickets may be entered in promotional drawings via the Lottery's web site (<http://www.palottery.com>) for a chance to win bonus prizes as determined by the Secretary and announced on the Lottery's website. These prizes are not part of the Prize Structure and are provided to the Pennsylvania Lottery at no charge.

Entries submitted via the Lottery's web site must be submitted from a computer within Pennsylvania.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania NHL® instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania NHL®, prize money from winning Pennsylvania NHL® instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1

year of the announced close of the Pennsylvania NHL® instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania NHL® or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-2340. Filed for public inspection December 18, 2009, 9:00 a.m.]

## Realty Transfer Tax Revised; 2008 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2008. These factors are the mathematical reciprocals of the actual common level ratios. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from January 1, 2010, to June 30, 2010. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument. See 61 Pa. Code § 91.102 (relating to acceptance of documents).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
* Bedford	1.00
** Blair	9.50

\* Adjusted by the Department of Revenue to reflect an assessment base change effective January 1, 2010.

\*\* Adjusted by the Department of Revenue to reflect an assessment ratio change effective January 1, 2010.

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-2341. Filed for public inspection December 18, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by North of Forbes, Inc., seeking to lease highway right-of-way located along South 23rd Street at its intersection with Carson Street and the Birmingham Bridge, in the City of Pittsburgh, Allegheny County, containing 10,150± square feet or 0.23± acre, for the purpose of vehicle parking. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H. Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER,  
*Secretary*

[Pa.B. Doc. No. 09-2342. Filed for public inspection December 18, 2009, 9:00 a.m.]

## Finding Blair County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 575(b)), the Director of the Bureau of Design makes the following written finding:

The Department of Transportation is planning to replace the Bedford Street Bridge, which crosses a tributary to the Beaverdam Branch of the Juniata River in Hollidaysburg Borough, Blair County.

Information describing the project, with the associated environmental analysis, is contained in the Environmental Document—Bridge Preservation Programmatic Agreement/Section 2002 Evaluation that was prepared for this project. The project will require the acquisition of right-of-way from the National Register eligible Gaysport Historic District, which qualifies as a section 2002 resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,  
*Director*  
*Bureau of Design*

[Pa.B. Doc. No. 09-2343. Filed for public inspection December 18, 2009, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Addition of Walker Run, Luzerne County

The Fish and Boat Commission (Commission) has approved the addition of Walker Run, Luzerne County, from the headwaters downstream to the mouth, to its list of wild trout streams as published at 39 Pa.B. 5212 (August 29, 2009). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at [http://www.fish.state.pa.us/trout\\_repro.htm](http://www.fish.state.pa.us/trout_repro.htm).

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 09-2344. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Proposed Nursery Water Designations and Re-Designations

Under 58 Pa. Code § 67.1 (relating to nursery waters and exhibition areas), the Executive Director of the Fish and Boat Commission (Commission), with the approval of the Commission, may designate waters as nursery waters or exhibition areas to which the penalties of section 2106 of the Fish and Boat Code, 30 Pa.C.S. § 2106 (relating to fishing in hatchery or nursery waters) apply. The designation of waters as nursery waters or exhibition areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*.

The last comprehensive designation of nursery waters by the Commission occurred in 1984. Since that time, changes have occurred on several of these waters, thereby making their designations as nursery waters no longer appropriate. At the next Commission meeting on January 27 and 28, 2010, the Commission will consider the following designations or re-designations of nursery waters.

The Commission designated the following waters in the past as nursery waters, and the Commission proposes that they be maintained and posted as such and continue to be designated as nursery waters:

County	Water	Limits
Centre	Spring Creek	In Bellefonte from the trestle immediately above the falls downstream to the Lamb Street Bridge
Crawford	Pymatuning Lake	Sanctuary and spillway area
Elk	East Branch Clarion River	A section of the East Branch of the Clarion River where the East and West Branches meet to form the Clarion River upstream to the Venners Island Bridge (approximately 1/4 mile in length)
Erie	Godfrey Run	Entire stream
Erie	Crooked Creek	From Ables Road Bridge downstream to a wire just above the mouth (approximately 1/4 mile in length)
Erie	Trout Run	Entire stream including an unnamed tributary flowing from the Fairview State Fish Hatchery
Erie	Orchard Beach Run	Entire stream
Franklin	Dickey's Run	100 feet on the Mercersburg Sportsman's Association property
Franklin	Falling Springs Creek	From the US Route 30 bridge downstream approximately 300 feet to Walker Road
Potter	Commissioner Run	Located on Historical and Museum Commission property
Potter	One Acre Pond	Located at Lumber Museum—Denton Hill State Park

The Commission previously designated the following waters as nursery waters to protect spawning walleye and therefore closed them to fishing on a seasonal basis only. Currently, these nursery waters are closed from March 1 to April 15. The Commission proposes that these waters continue to be designated as nursery waters but that the annual time period for the designations be extended from April 15 to the first Saturday in May to provide for additional protection for spawning walleyes.

County	Water	Limits
Crawford	Linesville Creek	From the mouth upstream to the Conrail Railroad Bridge north of SR 6 in Linesville (Annually from March 1 to the first Saturday in May)
Crawford	Padden (Finley) Creek	From the mouth upstream to Finley Bridge on SR 6 (Annually from March 1 to the first Saturday in May)

The following waters no longer require designation as nursery waters or exhibition areas for the reasons provided, and therefore, the Commission proposes that they be removed from the current list:

County	Water	Limits
Carbon	Hock Run	From the source downstream to SR 534 (Approximately one mile in length) No Longer Maintained; Cooperative Nursery Defunct
Cumberland	Middle Spring Creek	In Shippensburg No Longer Maintained
Erie	Elk Creek	Portions posted as temporary nursery waters for Chinook Salmon No Longer Maintained Or Needed

<i>County</i>	<i>Water</i>	<i>Limits</i>
Huntingdon	Lake Raystown	Seven Points Marina fish display tank No Longer Maintained
Lancaster	Lititz Spring	A pool located in Lititz Spring Park No Longer Maintained
Potter	Allegheny River	200-foot area at the confluence of the Allegheny River and Mill Creek No Longer Maintained
Potter	Allegheny River	500-foot area from the Chestnut Street Bridge to the lower end of the flood control channel No Longer Maintained
Washington	Cross Creek Lake	Entire lake No Longer Maintained; Lake Open To Public Fishing
Wayne	Lake Wallenpaupack	Mangan Spring and Run and that portion of Mangan Cove into the lake for a distance of 150 yards from the high water mark No Longer Maintained; Cooperative Nursery Defunct

At this time, the Commission is soliciting public input concerning the previous designations or re-designations. Persons with comments, objections or suggestions concerning the designations or re-designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 09-2345. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Regulation Re-Designation; Fishing Creek, Columbia County

The Fish and Boat Commission (Commission) has removed Fishing Creek, Columbia County, from the upstream Richard Kriebel property line downstream to a point located 180 yards upstream from the Benton borough line (a distance of 0.7 mile), from its list of waters that are regulated and managed under 58 Pa. Code § 65.6 (relating to delayed harvest artificial lures only areas). This re-designation is effective upon publication of this notice in the *Pennsylvania Bulletin*.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 09-2346. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Temporary Changes to Fishing Regulations; Reduce Creel Limit for American Shad

The Fish and Boat Commission (Commission) recently adopted an amendment to 58 Pa. Code § 61.2 (relating to Delaware River and River Estuary) that reduces the creel limit for American shad on the West Branch and the entire Delaware River mainstem from the confluence of the East and West Branches downstream to the Commodore Barry Bridge from six to three. This change will go into effect on January 1, 2010, or upon publication of an

order in the *Pennsylvania Bulletin*, whichever occurs later.

Upon further review of its other regulations, the Commission has determined that an amendment to § 61.1 (relating to Commonwealth inland waters) is also needed. This section provides for a daily limit for American shad of six on all inland waters that are not covered by other sections within Chapter 61 (relating to seasons, sizes and creel limits). Section 61.2, which is applicable only to those Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence, does not cover large tributaries upriver of the tidal influence, such as the Lackawaxen River in Pike County. It is likely that a limited number of shad enter the larger tributaries upriver of the tidal influence. Currently, the limit for American shad on those Delaware River tributaries is six under § 61.1.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend § 61.1 to reduce the creel limit for American shad to three to be consistent with § 61.2. This temporary modification will go into effect on January 1, 2010, and will remain in effect until the Commission, by appropriate action, amends § 61.1 in that regard.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 09-2347. Filed for public inspection December 18, 2009, 9:00 a.m.]



# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-4616	State Board of Dentistry EFDA Program Approval 39 Pa.B. 5916 October 10, 2009	11/9/09	12/9/09
8-14	Department of General Services State Metrology Laboratory Fee Schedule 39 Pa.B. 5921 October 10, 2009	11/9/09	12/9/09

### State Board of Dentistry Regulation #16A-4616 (IRRC #2795)

#### EFDA Program Approval

December 9, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the October 10, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Dentistry (Board) to respond to all comments received from us or any other source.

#### 1. Protection of the public health, safety and welfare.

The House Professional Licensure Committee has questioned whether Expanded Function Dental Assistant (EFDA) programs that have been approved by the Board should be subject to a renewal process. We believe that a renewal process would be a reasonable requirement that would ensure these programs continue to provide the education and training needed for EFDAs. This would help ensure that the public health and safety is adequately protected. We recommend that the final-form regulation address renewal of program approval.

We also question the \$80 fee in Section 33.3(a) of the proposed regulation titled "EFDA program approval application fee." The \$80 fee is supported by the "Fee Report Form" included with the submittal of the proposed regulation. That form shows an estimate of a total of two hours to review an EFDA program approval application (consisting of 0.5 hour of Board administrator time and 1.5 hours to "review and present to the full board for approval"). Proposed Section 33.117 *EFDA program approval* sets forth several dozen requirements that must be evaluated, including planning and assessment, institutional accreditation, program director, faculty, facilities, curriculum and demonstration of competency. The Board should explain how a two-hour review of an application that can result in approval of a program will adequately protect the public health safety and welfare.

#### 2. Section 33.102. Professional education.—Implementation procedures; Reasonableness; Clarity.

Subsection (c)(1)(i) includes the phrase "Board-approved EFDA program" and Subsection (c)(1)(iii) includes the

phrase "Board-approved certification program." We have two concerns. First, the main goal of this rulemaking is to establish guidelines for the approval of EFDA programs, and that is accomplished through the addition of new Section 33.117, pertaining to EFDA program approval. What process is used to approve the certification programs referenced in Subsection (c)(1)(iii)? We recommend that the process be included in the final-form regulation. In the alternative, and as suggested by a commentator, has the Board considered accepting accredited certification programs instead of requiring Board approval of these programs?

Second, how would a person know if an "EFDA program" or a "certification program" has been approved by the Board? Has the Board considered listing the approved programs on its web site? We recommend that the final-form regulation include a section that states a list of approved programs can be obtained from the Board's web site. We note that Section 33.117(d) makes reference to an "approved list," but does not indicate where the list can be obtained.

#### 3. Section 33.117. EFDA program approval.—Clarity.

Subsection (b)(9) requires "other information requested by the Board." This requirement is overly broad. We recommend adding the phrase "related to the EFDA program" or similar language to limit the scope of information required to get a program approved.

Subsection (c)(3)(viii) requires program directors to maintain "records related to the EFDA program, including instructional objectives and course outcomes." This provision is vague for two reasons. First, it does not list all of the records that must be kept. Second, it does not state how long the records must be kept. To improve clarity, we recommend that the final-form regulation specify what records must be kept and for how long.

Subsection (c)(4)(iv) states "Completed, or is in the process of completing, a course in education methodology. . . ." The phrase "in the process of completing" is vague because almost any program could claim it is in the process of completing the requirement but, as written, would not have to complete the requirement. We recommend including a reasonable time limit to implement the course in education methodology.

Under Subsection (c)(5)(i), EFDA programs must provide “adequate physical facilities and equipment.” The term “adequate” is vague. How will an EFDA program know if its facilities and equipment are adequate? We recommend that more detail be included in the final-form regulation.

Subsection (c)(7)(ii)(B) ends with the phrase “in all restorative materials.” It appears that the word “all” would encompass a multitude of restorative materials. The regulation would be clearer by describing categories of restorative materials or by providing examples. Is it the Board’s intent to include “all” restorative materials?

Subsection (c)(7)(iv)(C) states EFDA program directors are required to provide “documentation” of the student’s competency attainment to the Board as part of the student’s application for certification. The final-form regulation should specify what type of documentation will be required.

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**Department of General Services  
Regulation #8-14 (IRRC #2796)**

**State Metrology Laboratory Fee Schedule**

**December 9, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the October 10, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of General Services (Department) to respond to all comments received from us or any other source.

**Section 110.2. State Metrology Laboratory fee schedule.—Fiscal impact; Reasonableness; Clarity.**

The proposed regulation increases fees for 12 different types of testing services performed by the State Metrology Laboratory. The increases vary in size in dollar amount and percentage growth. The Preamble includes the following statement: “The general public will benefit because the fees generated will pay for services which are now paid in part by taxpayer dollars.” In addition, the Preamble indicates that the Department estimates the proposed regulation will generate \$125,000 in revenue. However, there is no explanation of how or to what extent the revenue increase covers the actual costs of performing and administering the test services provided by the State Metrology Laboratory.

Other agencies use documents entitled “fee report forms” to document and explain the actual costs necessary to provide the services covered by the fees. The cost or expense could be categorized into components such as specialized equipment costs, or administrative, clerical and laboratory staff time. The submittal of the final-form regulation should be accompanied by fee report forms that explain how each fee increase covers the costs of the provided testing service.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-2348. Filed for public inspection December 18, 2009, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Coal Mine Compensation Rating Bureau; Workers’ Compensation Loss Cost Filing

On December 4, 2009, the Insurance Department (Department) received from the Coal Mine Compensation Rating Bureau (CMCRB) a filing for a loss cost level change for Workers’ Compensation insurance. This filing is made in accordance with section 705 of Act 44 of 1993. The CMCRB requests an overall 9.5% decrease in collectible loss costs, effective April 1, 2010, on a new and renewal basis. Also, the CMCRB has calculated the Employer Assessment Factor effective April 1, 2010, to be 2.05%, compared to the currently approved provision of 2.39%.

The entire April 1, 2010, loss cost filing is available for review on the CMCRB’s web site at <http://www.cmcrbpa.com> under “Filings.”

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2349. Filed for public inspection December 18, 2009, 9:00 a.m.]

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### Keystone Health Plan East; Medically Underwritten Individual HMO; Rate Filing

On December 1, 2009, the Insurance Department (Department) received a filing from Keystone Health Plan East requesting approval to increase the rates for its Medically Underwritten Individual HMO product by 18.6%. This filing will impact approximately 14,500 members and produce additional income of about \$5.8 million annually. The requested effective date is March 1, 2010.

Unless formal administrative action is taken prior to March 4, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department’s web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the “Quick Links” section, click on the link “Rate Filings Published in the PA Bulletin.”

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department’s Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Administration, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail at [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2350. Filed for public inspection December 18, 2009, 9:00 a.m.]

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**Thomas Hartman; Hearing****Appeal of Thomas Hartman under 40 P. S.  
§§ 991.2101—991.2193; Keystone Health Plan East,  
Inc.; Doc. No. HC09-11-030**

Under 40 P. S. §§ 991.2101—991.2193, notice is given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on January 14, 2010, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 12, 2010. The hearing will occur at the following address.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before December 29, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before January 12, 2010.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2351. Filed for public inspection December 18, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 4, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.**

**A-2009-2145173. Dorothy G. Knight, t/a Dorothy Knight Travels** (180 Madison Road, Knox, Clarion County, PA 16232)—persons, in paratransit service, whose

personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Clarion, Venango and Crawford, to points in Pennsylvania, and return.

**A-2009-2146086. Central Juniata Emergency Medical Service, t/a Central Juniata EMS** (Box 133, Mifflintown, Juniata County, PA 17059), a domestic non-profit corporation of the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service from points in Juniata and Mifflin Counties to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, Esquire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**Applications of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under each application.**

**A-2009-2145264. Trust Ambulance, Inc.** (2238 Gettysburg Road, Camp Hill, Cumberland County, PA 17011)—a corporation of the Commonwealth—for amendment to its common carrier certificate, which grants the right, *inter alia*, to transport persons, in paratransit service, from points in the City of Harrisburg, Dauphin County, and within an airline distance of 40 statute miles of the limits of said city, to points in Pennsylvania and return: **SO AS TO PERMIT** the transportation of persons in paratransit service from points in the County of York and the Borough of Chambersburg, Franklin County to points in Pennsylvania, and return.

**A-2009-2145899. Billy L. Sankey, t/a Sankey's Amish Transportation** (54 First Avenue, Greenville, Mercer County, PA 16125), for an amendment to his common carrier certificate, which grants the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Borough of Greenville and the Townships of Hempfield, Salem and Sugar Grove, Mercer County, and the Townships of East Fallowfield and West Fallowfield, Crawford County; and from said borough and townships to other points in Pennsylvania, and return: **SO AS TO PERMIT** the transportation of persons in paratransit service, limited to those persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Crawford, Mercer and Lawrence, to points in Pennsylvania, and return.

**Applications of the following for approval of the *additional right* and *privilege* of operating motor vehicles as *common carriers* for transportation of *persons* as described under each application.**

**A-2009-2145177. Pocono Cab Company, LLC, t/a Pocono Cab Company** (307 Rachel Road, Stroudsburg, Monroe County, PA 18360), a limited liability company of the Commonwealth—persons, in Group and Party service, from points in the Counties of Carbon, Pike and Monroe, to points in Pennsylvania, and return. *Attorney:* Craig A. Doll, 25 West Second Street, P. O. Box 403, Hummelstown, PA 17036.

**A-2009-2145184. Pocono Cab Company, LLC, t/a Pocono Cab Company** (307 Rachel Road, Stroudsburg, Monroe County, PA 18360), a limited liability company of the Commonwealth—persons, in Limousine service, between points in Pennsylvania, service that is under the



jurisdiction of the Philadelphia Parking Authority. *Attorney:* Craig A Doll, 25 West Second Street, P. O. Box 403, Hummelstown, PA 17036.

**A-2009-2145457. GJT Enterprises, Inc., t/a Limo's R Us** (130 Estates Road, Greentown, Pike County, PA 19405), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Wayne, Pike, Lackawanna, Luzerne and Monroe, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2009-2146037. Steve's General Delivery Service, LLC, t/a Mini Movers** (127 Haverford Road, Folsom, Delaware County, PA 19033)—household goods in use, from points in the Counties of Delaware, Chester, Montgomery and the City and County of Philadelphia, to points in Pennsylvania.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2352. Filed for public inspection December 18, 2009, 9:00 a.m.]

### Telecommunications

**A-2009-2145812. Windstream Pennsylvania, LLC and Service Electric Telephone Company, LLC.** Joint petition of Windstream Pennsylvania, LLC and Service Electric Telephone Company, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, LLC and Service Electric Telephone Company, LLC, by its counsel, filed on December 3, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Windstream Pennsylvania, LLC and Service Electric Telephone Company, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2353. Filed for public inspection December 18, 2009, 9:00 a.m.]

## STATE BOARD OF FUNERAL DIRECTORS

**Bureau of Professional and Occupational Affairs v. James V. Williams, Funeral Home, Inc.; File No. 08-48-03755**

On October 15, 2009, James V. Williams, Funeral Home, Inc., License Number FF-003025, of Philadelphia, Philadelphia County, was revoked and ordered to pay civil penalties totaling \$5,000, based upon its professional misconduct in the operation as a funeral establishment.

Individuals may obtain a copy of the order by writing to Christopher McNally, Board Counsel, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Funeral Directors' (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

MICHAEL J. YEOSOCK,  
*Chairperson*

[Pa.B. Doc. No. 09-2354. Filed for public inspection December 18, 2009, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v. Tara Wright McClintock; Doc. No. 1822-51-2009**

On October 8, 2009, Tara Wright McClintock, license no. PN-102378-L, of Topton, Berks County, had her license reinstated subject to a 3 year suspension stayed in favor of probation, subject to terms and conditions enumerated in the November 7, 2008, State Board of Nursing (Board) order adopting the hearing examiner's memorandum order of September 30, 2008, which required participation in the Commonwealth's Professional Health Monitoring Program.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the Board's final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 09-2355. Filed for public inspection December 18, 2009, 9:00 a.m.]



**Bureau of Professional and Occupational Affairs v.  
Heather L. Wolters, RN; Doc. No. 1604-51-09**

On October 27, 2009, Heather L. Wolters, license no. RN559489 of Kenilworth, NJ, had her professional nursing license indefinitely suspended retroactive to September 22, 2009, based on findings that she is unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as such dependence shall continue.

Individuals may obtain a copy of the adjudication by writing to Roberta L. Silver, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FANN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 09-2356. Filed for public inspection December 18, 2009, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

January 11, 2010	Gayle L. Jones (Deceased) Contested Death Benefit	9:30 a.m.
February 3, 2010	PA Highlands Community College SERS Membership Claim	1 p.m.
February 4, 2010	Christine Nelson Discontinuance of Temporary Disability Benefits	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

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## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 09-0004 for a HAAS GT-10 CNC Lathe. Bid specifications can be obtained by contacting Nancy Froeschle, Thaddeus Stevens College of Technology at (717) 299-7787, fax (717) 391-3557 or froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

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